

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

PAMELLA A BESS
Claimant

APPEAL NO. 13A-UI-13363-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AT&T MOBILITY SERVICES LLC
Employer

OC: 11/10/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 3, 2013, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 24, 2013. Claimant participated. Employer declined to participate. Exhibits One, Two, Three and A were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on September 3, 2013. Claimant quit work due to her father's health. Claimant was required to care for her ailing father. Claimant tried for a leave of absence. Employer denied the leave request. Claimant is still caring for her father and has not yet been able to return to ask for her job back. Employer indicates a willingness to rehire claimant after the personal family illness is resolved.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a personal family illness. This is not good cause as the situation has not developed to the point that claimant can return to ask for her job back. The code requires resolution of the family medical issue and a request for work. Claimant has not reached that point. This issue is not ripe for adjudication. The claimant has not qualified for benefits as she is still caring for her father and has not returned to ask for work. Benefits withheld until such time as claimant meets the criteria set for the in the Iowa Code.

Iowa Code section 96.5-1-c provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

DECISION:

The decision of the representative dated December 3, 2013, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has resolved the family medical issue and re applied for work. This matter is not ripe for adjudication until such time as claimant meets all criteria set forth in Iowa Code section 96.5-1-c.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs