

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

MARIA D AIJALA  
102 S UNION ST  
MORNING SUN IA 52640

METROGROUP CORP  
901 W BOND  
LINCOLN NE 68521

Appeal Number: 05A-UI-11373-DWT  
OC: 10/09/05 R: 04  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Maria D. Aijala (claimant) appealed a representative's October 28, 2005 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Metrogroup Corporation (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 21, 2005. The claimant participated in the hearing. Linda Ward, the claimant's former supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on May 18, 2005. The employer hired the claimant to work as a full-time machine operator on second shift, 3:00 to 11:00 p.m. Ward was the claimant's supervisor. Prior to the employer hiring her, the claimant watched her grandchildren while the claimant's daughter went to college. During the summer months, the claimant's daughter did not attend school.

The claimant handled paper, heavy packages and boxes. After a month of working, the claimant's hands started hurting. The claimant did not tell Ward that her hands hurt. On August 19, the claimant gave the employer her two weeks' notice. The claimant told Ward she was quitting so she could take care of her grandchildren when her daughter went back to college. The claimant did not indicate she was quitting because her hands hurt.

Sometime between August 19 and September 2, the claimant saw her physician. The claimant received some braces to wear to keep her hands straight. The claimant did not wear the braces to work, but instead wore them at night. The claimant's last day of work was September 2, 2005.

After September 2, the claimant learned she needs surgery. The claimant is looking for work she can do in the morning so she can take care of her grandchildren in the afternoon and night as needed.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. The claimant quit when she submitted her two-week notice. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant quits without good cause when she quits for compelling personal reasons. The law also presumes a claimant quits with good cause if she leaves employment because continued employment aggravates or results in an injury. However, to be qualified to receive benefits under this regulation, a claimant must inform the employer about the health-related problem and she intends to quit if the employer does not make reasonable accommodations so the claimant can continue working. 871 IAC 24.26(6)(b).

The only reason the claimant told the employer she was quitting was to take care of her grandchildren. The claimant is commended for taking on this responsibility so her daughter can finish her college education. Since the claimant did not inform the employer that her hands hurt or that she was quitting because her hands hurt, the claimant did not meet the requirements of 871 IAC 24.26(6)(b).

The claimant established compelling personal reasons for quitting. The evidence does not establish the claimant quit for reasons that qualify her to receive unemployment insurance

benefits. As of October 9, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's October 28, 2005 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons that do not qualify the claimant to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 9, 2005. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/tjc