

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**THERESA M ESSARY**  
Claimant

**APPEAL NO. 11A-UI-06586-PT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ELLIOTT OIL COMPANY**  
Employer

**OC: 12/12/10**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 11, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 14, 2011. Claimant participated. Employer participated by Marvin Stein, manager.

**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 was employed with the employer from November 10, 2008 through February 25, 2011. She voluntarily quit her employment because she was denied time off to care for her dying father and because of a personality conflict with her supervisor.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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.

Claimant did not return to work after she was absent to care for her father because of her personality conflict with her supervisor. The claimant has not satisfied the requirements of Iowa Code § 96.5-1-c. This reason for leaving employment is without good cause attributable to the employer. See 871 IAC 24.25(22). Accordingly, the separation is without good cause attributable to the employer and benefits must be denied.

**DECISION:**

The May 11, 2011, reference 01, decision is affirmed. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times her weekly benefit amount, provided claimant is otherwise eligible.

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Ron Pohlman  
Administrative Law Judge

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Decision Dated and Mailed

rrp/pjs