

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

IRMA L GONZALEZ HENRIQUEZ
Claimant

APPEAL NO. 09A-UI-09571-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE BRANDS LLC
Employer

OC: 05/17/09
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 16, 2009, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 10, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Laura Mouw participated in the hearing on behalf of the employer with a witness, Chris Olson.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as a packer from March 26, 2008, to December 24, 2008. She voluntarily quit employment because she was notified that her husband, who lived in Guatemala, was seriously ill.

She traveled to Guatemala to care for her husband. Her husband died on February 1, 2009. The claimant did not return to Iowa and apply for employment with the employer until May 11, 2009, but was not rehired.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

The unemployment insurance law provides that a person is not disqualified if she voluntarily quits employment for the purpose of caring for a family member, and after the family member sufficiently recovers, immediately returns and offers to work, but the employer has no work available. Iowa Code § 96.5-1-c.

The claimant is not eligible for benefits because she quit employment for personal reasons not attributable to the employer. She does not meet the conditions of Iowa Code § 96.5-1-c because she did not immediately return and offer to work after her husband died.

DECISION:

The unemployment insurance decision dated June 16, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css