

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HOLLY M RIDER
Claimant

APEX CHILDRENS CENTER LLC
Employer

APPEAL 20A-UI-00425-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/15/19
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit
Iowa Code § 96.5-1-c - Voluntary Quit for Care of Family Member

STATEMENT OF THE CASE:

Holly Rider (claimant) appealed a representative's January 6, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the Apex Children's Center (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 3, 2020. The claimant participated personally. The employer participated by Ray Burke, Director.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on January 5, 2015, as a full-time behavioral specialist. From November 16 to December 18, 2019, the claimant notified the employer each day that she needed to take time off to care for her mother who was ill. On December 18, 2019, the claimant notified the employer that she was quitting due to her situation and the employer agreed. The claimant's mother has not sufficiently recovered for the claimant to return to work and she continues to care for her.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1)c provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.26(8) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(8) The claimant left for the necessary and sole purpose of taking care of a member of the claimant's immediate family who was ill or injured, and after that member of the claimant's family was sufficiently recovered, the claimant immediately returned and offered to perform services to the employer, but no work was available. Immediate family is defined as a collective body of persons who live under one roof and under one head or management, or a son or daughter, stepson, stepdaughter, father, mother, father-in-law, mother-in-law. Members of the immediate family must be related by blood or by marriage.

The claimant left work to take care of her mother who was ill. The claimant's mother has not sufficiently recovered and the claimant has not returned to and offered services to the employer. The claimant has not met the requirements of the statute and, therefore, is not eligible to receive unemployment insurance benefits at this time.

DECISION:

The representative's January 6, 2020, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible or until she meets the requirements of the statute.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/scn