

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES L CANTY
Claimant

APPEAL NO: 10A-UI-04100-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

A+ LAWN & LANDSCAPING INC
Employer

**OC: 01/31/10
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(23) – Leaving for Serious Family Needs

STATEMENT OF THE CASE:

The claimant appealed a department decision dated March 3, 2010, reference 02, that held he voluntarily quit without good cause attributable to his employer on January 31, 2010, and benefits are denied. A telephone hearing was scheduled for April 27, 2010. The claimant and employer did not participate.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant worked for the employer as a part-time snow removal worker from November 16, 2009 to January 7, 2010. The claimant quit his job to care for his father.

The claimant and employer did not respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 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.

871 IAC 24.25(23) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer

has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to the employer on January 7, 2010 due to serious family needs.

While the claimant quit his job for a good personal reason, it is not one attributable to the employer and benefits are denied.

DECISION:

The department decision dated March 3, 2010, reference 02, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on January 7, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs