BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor Des Moines, Iowa 50319

MICHAEL S GEORGE	: : : HEARING NUMBER: 16B-UI-08815
Claimant	. HEARING NUMBER: 10D-01-08815
and	EMPLOYMENT APPEAL BOARD DECISION
WEST DES MOINES COMM SCHOOL DIST	:

Employer

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1, 24.25-2

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Board adds to the reasoning and conclusions of law the following discussion:

Iowa Code Section 96.5(1)(c) provides that while a quit without good cause attributable to the Employer is disqualifying, a claimant may still collect benefits if:

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 Code §96.5(1)(c)(emphasis added). We note that this Claimant did leave employment for the necessary and sole purpose of taking care of a sick immediate family member. Once his care is no longer necessary, if he then were to immediately return and offer his services to the Employer, and if in the interim he "did not accept any other employment" then he could at that point become requalified for unemployment benefits under §96.5(1)(c). He would at the time of return also have to be otherwise eligible.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

RRA/fnv