

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KAMALA CHOHAN**  
Claimant

**APPEAL NO. 07A-UI-04175-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DIAL SILVERCREST CORP**  
Employer

**OC: 04/01/07 R: 02  
Claimant: Appellant (1)**

Section 96.5- 1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Kamala Chohan (claimant) appealed a representative's April 16, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Dial Silvercrest Corporation (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 9, 2007. The claimant participated in the hearing. The employer failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which the employer's witness/representative could be contacted to participate in the hearing. As a result, no one represented the employer.

After the hearing had been closed and the claimant had been excused, the employer contacted the Appeals Section to participate in the hearing. The employer made a request to reopen the hearing. Based on the employer's request to reopen the hearing, the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Is there good cause to reopen the hearing?

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in 2005. The claimant worked in housekeeping from 7:30 a.m. to 4:30 p.m. In September 2006, the claimant did not have anyone to watch her 8½-year-old daughter after school. The claimant put her daughter before work and quit her employment on September 15, 2006. The claimant quit so she could take care of and watch her daughter.

Subsequent to her establishing her claim for unemployment insurance benefits, the week of April 1, 2007, the claimant made arrangements for a friend to watch her daughter when she is working.

On May 9, the employer called the Appeals Section at 1:25 p.m. for a 1:00 p.m. hearing. Although the employer received the hearing notice a few days before the hearing, the person responsible for handling the hearing had been in emotional turmoil as a result of his long-time business partner recently passing away. He is the only person who opens unemployment insurance-related mail and had just opened the hearing notice before he called the Appeals Section. The employer requested that the hearing be reopened.

**REASONING AND CONCLUSIONS OF LAW:**

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 871 IAC 26.14(7)(b) and (c).

The employer's request to reopen the hearing is denied. The facts indicate the employer received the hearing notice, but did not take reasonable steps to make sure time-sensitive business matters were taken care of in a timely manner.

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits employment without good cause when she leaves because of lack of childcare. 871 24.25(17). The claimant quit because she did not have anyone to take care of her daughter after school. The claimant established compelling personal reasons for quitting. These reasons do not qualify her to receive unemployment insurance benefits. Therefore, the claimant is not qualified to receive benefits.

**DECISION:**

The employer's request to reopen the hearing is denied. The representative's April 16, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for compelling personal reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of April 1, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw