

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

LATREVEYA R WILLIAMS

Claimant

and

BURLINGTON CARE CENTER INC

Employer

HEARING NUMBER: 20BUI-03596

EMPLOYMENT APPEAL BOARD
DECISION

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, 96.3-7

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 Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law to include the following as supportive legal analysis:

Because of the Employer's temporary relocation approximately 30 minutes each way away from the location to which the Claimant was originally hired, the Claimant no longer had flexibility to leave work to care for her ailing father, i.e., take to doctor's appointments, run home if necessary, etc. The circumstances surrounding the Employer's move precipitated her separation. Under these circumstances, we find the Claimant did not voluntarily quit her employment, but involuntarily left to be able to take care of her father while the Employer was relocated.

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Iowa Code section 96.5(1) "c" provides:

An individual shall be disqualified for benefits: *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:

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.

Based on this record, we conclude the Claimant would be eligible for benefits once the Employer has reopened at its original location where she was hired, and she has returned to offer her services. If no work is available, she should reapply for benefits.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. This decision will become final unless an application for rehearing, or a petition to district court is filed as set out above. In addition, individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations may still qualify for Pandemic Unemployment Assistance (PUA). You will need to apply for PUA to determine your eligibility under the program. Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

Ashley R. Koopmans

James M. Strohman

Myron R. Linn

AMG/fnv