

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICKOLAS APPEL
Claimant

APPEAL NO: 14A-UI-13313-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

H&H TRAILERS LLC
Employer

OC: 01/05/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 19, 2014, reference 05, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on January 22, 2015. The claimant participated in the hearing. The employer's witness provided a telephone number where he could be reached but was not available at that number when called for the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time welder for H&H Trailers from November 9, 2014 to November 11, 2014. He voluntarily left his employment and moved to Nebraska to care for his ailing father.

The claimant's mother passed away shortly before he started this job. The claimant's brother called him early in the morning November 11, 2014, and stated their father was not doing well following the death of his mother. His father, who suffers from severe depression and anxiety, was suicidal and the claimant felt he needed to be in Nebraska with him to help him through this period of time. The claimant notified the employer November 11, 2014, that he needed to move to Nebraska because of his emergency family issues and resigned his position.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(20), (2) 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 § 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 § 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

(2) The claimant moved to a different locality.

When a claimant leaves his employment voluntarily, he has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). In order for benefits to be allowed, the reason for leaving must be due to unlawful, intolerable or detrimental working conditions created by the employer.

While the claimant's decision to quit to move to another area was based upon good personal reasons, due to the serious nature of his father's illness and his need to care for him during his acute episode of depression that made him suicidal, he has not demonstrated a good-cause reason attributable to the employer for leaving. (Emphasis added). The claimant's decision to move to care for his father was a very responsible and mature decision but was due to family issues, rather than work-related issues, and did not involve anything the employer did or did not do that led to unlawful, intolerable or detrimental working conditions. Therefore, benefits must be denied.

DECISION:

The December 19, 2014, reference 05, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs