

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LASHAUN RUNNELS
Claimant

APPEAL NO. 08A-UI-08830-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DUBUQUE COUNTY
Employer

**OC: 08/31/08 R: 12
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(20) – Quit for Compelling Personal Reasons/Absence Exceeded Ten Working Days

STATEMENT OF THE CASE:

LaShaun Runnels filed an appeal from a representative's decision dated September 23, 2008, reference 01, which denied benefits based upon her separation from Dubuque County. After due notice was issued, a hearing was held by telephone on October 20, 2008. The claimant participated personally. The employer participated by Ms. Patricia Chamberlain.

ISSUE:

The issues in this matter are whether the claimant quit for good cause attributable to the employer and if the claimant left for compelling personal reasons and whether the period of absence exceeded ten working days.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant last worked for this employer on August 23, 2008. The claimant was employed as a part-time program instructor and was paid by the hour. Her immediate supervisor was Patricia Chamberlain.

Ms. Runnels left her employment with Dubuque County for compelling personal reasons. The claimant had had a physical altercation with a male acquaintance and had been threatened. Ms. Runnels did not try to contact police authorities to make a report, seek the individual's arrest nor seek a protective order. The claimant left her employment with Dubuque County without notice and relocated to a different geographic area. Ms. Runnels did not attempt to reclaim her position with Dubuque County within ten working days and appears to have permanently relocated in another city. Work continued to be available to the claimant at the time of her leaving.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Runnels left her employment with good cause attributable to the employer or that she left for compelling personal reasons and attempted to return to work within ten working days. It does not.

The evidence in the record establishes that although the claimant alleged that she was assaulted and threatened, she did not file a police report, attempt to have the assailant arrested and did not seek a protective order. The claimant quit her employment with Dubuque County without notice on or about August 23, 2008 and did not attempt to return to available employment within ten working days or thereafter.

871 IAC 24.25(20), (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:

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

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

For the reasons stated herein the administrative law judge concludes that the claimant's leaving took place under disqualifying conditions. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated September 23, 2008, reference 01, is affirmed. The claimant quit work without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided that she meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs