

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANTONIO REYES PARAMO**  
Claimant

**LABOR GUYS LLC**  
Employer

**APPEAL NO. 19A-UI-06959-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/04/19  
Claimant: Respondent (5)**

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Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the August 27, 2019, reference 02, decision that allowed benefits to the claimant provided he was otherwise eligible and that held the employer's account could be charged for benefits, based on the deputy's conclusion that the claimant had left work on June 7, 2019 because of illness or injury, had recovered, had offered to return to work, but no work was available. After due notice was issued, a hearing was held on September 25, 2019. Claimant Antonio Reyes Paramo participated. Juan Miranda represented the employer. The administrative law judge took official notice of the Agency's record of benefits disbursed to the claimant.

**ISSUES:**

Whether the claimant voluntary quit was for good cause attributable to the employer.

Whether the claimant voluntarily quit for a reason that disqualifies him for unemployment insurance benefits.

Whether the employer's account may be charged for benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Labor Guys, L.L.C. is a temporary employment agency headquartered in Atlanta, Georgia. Until September 2019, Labor Guys supplied temporary workers to PAE, a manufacturing plant located in Urbandale. For most of the period during which Labor Guys supplied workers to the PAE plant in Des Moines, Labor Guys employed a full-time onsite supervisor at the PAE facility. PAE has no other clients in the State of Iowa. Antonio Reyes Paramo began his employment with Labor Guys in September 2018 and last performed work for the employer on June 7, 2019. Throughout the employment, Mr. Reyes was assigned to a full-time, temporary assignment at PAE in Urbandale.

On June 7, 2019, Mr. Reyes left the employment to care for his ill, 95-year-old mother in Mexico. Prior to leaving the employment for that purpose, Mr. Reyes Paramo notified the

employer of the basis for his need to be away from the employment. Mr. Reyes Paramo immediately traveled to Mexico, where his mother was hospitalized. Mr. Reyes Paramo notified the employer and the client business of his need to extend his time in Mexico to care for his mother. As of July 30, 2019, Mr. Reyes Paramo's mother had recovered sufficiently from her illness that Mr. Reyes Paramo was able to return to Iowa and to the employment. Mr. Reyes Paramo had not accepted any employment and had not worked in any employment while he was away from the PAE assignment and Labor Guys employment.

On August 2, 2019, Mr. Reyes Paramo went to the PAE plant to request to return to the assignment and the employment. During Mr. Reyes Paramo's absence from the employment, PAE had notified Labor Guys of its plan to cease operations at the Urbandale plant and to transfer production to Kansas City, Missouri. During Mr. Reyes Paramo's absence, PAE had eliminated second shift production at the Urbandale plant and had temporarily transferred some of the second shift workers to the first shift in anticipation of completing ceasing operations at the Urbandale plant soon thereafter. During Mr. Reyes Paramo's absence, Labor Guys had reduced the Labor Guys onsite supervisor's work hours to part-time, which reduced the onsite supervisor's availability to address Labor Guys employee issues. When Mr. Reyes Paramo presented himself at the PAE plant on Friday, August 2, 2019, the Labor Guys supervisor was not present. Mr. Reyes Paramo returned on Monday, August 5, 2019, but the Labor Guys supervisor was not present. The PAE representative told Mr. Reyes that there was no work for Mr. Reyes Paramo at the PAE plant.

#### **REASONING AND CONCLUSIONS OF LAW:**

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

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in the record establishes a separation that was for good cause attributable to the employer. The claimant left on June 7, 2019 for the necessary and sole purpose of taking care of his mother who was then ill. After the claimant's mother had sufficiently recovered, the claimant returned to the workplace to offer his services. Because the employer had made the Labor Guys site supervisor unavailable to the claimant, the claimant reasonably directed his

request to return to the work to the PAE representative. The claimant reasonably relied upon the PAE representative's statement that there was no work for the claimant at the PAE plant. The claimant had not accepted any other employment during his absence from the PAE assignment and the Labor Guys employment. The claimant is eligible for benefits, provided he is otherwise eligible. The employer's account may be charged for benefits.

**DECISION:**

The August 27, 2019, reference 02, decision is modified as follows. The claimant voluntarily left the employment effective June 7, 2019 for the sole purpose of taking care of an immediate family member who was then ill. On August 2 and 5, 2019, the claimant returned to the workplace after his family member had sufficiently recovered and offered to return to the employment, but the employer did not have work for the claimant. The claimant had not accepted other employment during his time away. The claimant is eligible for benefits, provided he is otherwise eligible. The employer's account may be charged for benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs