

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AMYLEAN AKEANG**  
Claimant

**APPEAL NO. 080-UI-00988-SWT**

**ADMINISTRATIVE LAW JUDGE  
AMENDED DECISION**

**DUBUQUE RACING ASSOCIATION LTD**  
Employer

**OC: 11/25/07 R: 04  
Claimant: Respondent (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated December 7, 2007, reference 01, that concluded she was on a short-term layoff. A telephone hearing was held on February 12, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Tami Schnee participated in the hearing on behalf of the employer. This decision is amended to eliminate the overpayment in this case, since there had been two decisions awarded benefits prior to this disqualification decision.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked part time as a food server for the employer from July 23, 2004, to November 4, 2007. As of November 2007, the claimant was also working part-time at the Frontier Dubuque Hotel.

The claimant voluntarily quit her employment because her father suffered a stroke and she needed to care for him. Working two jobs did not allow the claimant the time necessary to take care of her father, so she quit working for the employer but continued working at the Frontier Dubuque Hotel. The claimant has never contacted the employer and offered to return to work.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 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.

The claimant voluntarily quit employment without good cause attributable to the employer. The law provides that a claimant who leaves employment to care for an immediate family member is not disqualified if she offers to return to work after the family member has recovered but no work is available. Iowa Code section 96.5-1-c. In this case, the claimant is disqualified because she has never offered to return to work for the employer. The rules also provide that a claimant is eligible for benefits if she leaves part-time employment as long as she has other wages upon which to base her claim. 871 IAC 24.27. This does not apply to the claimant, because her claim is based solely on wages paid by the employer.

**DECISION:**

The unemployment insurance decision dated December 7, 2007, reference 01, is reversed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw/kjw