

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CASSANDRA R MIKKELSEN
Claimant

APPEAL NO. 14A-UI-00248-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CHRISTIAN OPPORTUNITY CENTER
Employer

OC: 12/01/13
Claimant: Appellant (1)

Section 96.5(1)c – Quit/Family Medical

STATEMENT OF THE CASE:

The claimant, Cassandra Mikkelsen, filed an appeal from a decision dated December 27, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 30, 2014. The claimant participated on her own behalf. The employer, Christian Opportunity Center (COC), participated by Human Resources Angela DeCook and Program Manager Shelly Robins.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Cassandra Mikkelsen was employed by COC from April 30/ 2003 until October 8, 2013. She resigned in order to relocate her parents to New Mexico. Their doctor had recommended a warmer climate. Her parents have not yet recovered to the extent they are able to care for themselves.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-a 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. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment

compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

871 IAC 24.25(10) 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:

(10) The claimant left employment to accompany the spouse to a new locality.

The claimant quit in order to move to another locality with her parents due to their medical problems. Her family members have not recovered to the point they can do without daily care from Ms. Mikkelsen.

Under the provisions of the above Iowa Code and Administrative Code sections, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The unemployment insurance decision dated December 27, 2013, reference 01, is affirmed. Cassandra Mikkelsen is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css