

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

STEVEN B ALFORD
Claimant

PERFORMANCE CONTRACTORS INC
Employer

APPEAL NO. 15A-UI-06499-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/17/15
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 1, 2015, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 14, 2015. Claimant participated, and had witnesses John Jordan, and Todd Ready. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: As claimant and his witnesses were the only parties to participate in the hearing, all findings of fact are gleaned from claimant's testimony. Claimant last worked for employer on April 16, 2015. Claimant went to his employer to attempt to get time off to allow him to return to Alabama to care for his sick mother. Employer would not let claimant get a leave of absence, and stated that claimant needed to quit his job as he was going to be down in Alabama for an extended period of time. Employer stated to claimant that he would not protest claimant's filing for unemployment benefits. Claimant then quit his job and employer protested claimant's filing for unemployment benefits.

REASONING AND CONCLUSIONS OF LAW:

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 Code § 96.5(1)f 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:

f. The individual left the employing unit for not to exceed ten working days, or such additional time as may be allowed by the individual's employer, for compelling personal reasons, if so found by the department, and prior to such leaving had informed the individual's employer of such compelling personal reasons, and immediately after such compelling personal reasons ceased to exist the individual returned to the individual's employer and offered the individual's services and the individual's regular or comparable work was not available, provided the individual is otherwise eligible; except that during the time the individual is away from the individual's work because of the continuance of such compelling personal reasons, the individual shall not be eligible for benefits.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because his mother contracted cancer. Claimant certainly left his job for compelling personal reasons. When claimant is able to return from caring for his mother, if a comparable job is not available for claimant, he may then file for unemployment. Until that time, claimant is not eligible for benefits.

DECISION:

The decision of the representative dated June 1, 2015, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css