

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SENIJA DZANANOVIC
Claimant

APPEAL NO: 11A-UI-15489-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES
Employer

OC: 10/30/11
Claimant: Appellant (1/R)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 2, 2011 determination (reference 03) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Debra Beighley, the owner, appeared on the employer's behalf. Azra Kikiric interpreted the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant worked assignments for the employer in 2010. In March 2011, the claimant accepted a job assignment. The claimant started this job on March 24, 2011. She worked second shift.

The claimant's older son watched her younger child when the claimant worked second shift. On March 27, the claimant learned her older son's father had passed away. Her older son went to Bosnia for his father's funeral. He was gone about two months.

On March 28, the claimant contacted the employer to resign the second shift job. She informed the employer she could work first shift, but not second shift. The claimant did not have anyone to take care of her younger child after her older son went to Bosnia for his father's funeral. If the claimant had not resigned on March 28, she could still be working at this assignment. The claimant did not complete the job assignment. The employer did not have another first shift job to assign to her on March 28, 2011.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

Since the claimant did not complete the job assignment, the three-day notification law does not apply. Iowa Code § 96.5(1)j. The evidence establishes she quit on March 28 because she could not work second shift after she had agreed to work this shift. The claimant could not work second shift because of family issues and she did not have anyone to take care of her younger child after her older son went to Bosnia for his father's funeral. The claimant established compelling personal reasons for quitting her second-shift job, but her reasons for quitting do not qualify her to receive benefits. The law presumes a claimant quits without good cause when she resigns because she does not have child care. 871 IAC 24.25(17). As of March 28, 2011, the claimant is not qualified to receive benefits.

An issue of whether the claimant has been overpaid or is eligible for a waiver any benefits she may have received since March 28, 2011, will be remanded to the Claims Section to determine.

DECISION:

The representative's December 2, 2011 determination (reference 03) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits when she quit her second shift job for personal reasons. The claimant is disqualified from receiving unemployment insurance benefits as of March 28, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. An issue of overpayment or whether the claimant is eligible for a waiver of overpayment of any benefits she may have received since March 28, 2011, is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css