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

RICK HAYGOOD
Claimant

APPEAL NO. 14A-UI-05567-S2T

ADMINISTRATIVE LAW JUDGE
DECISION

APC COMPANY INC
Employer

OC: 05/04/14
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit
Section 96.5-1-c - Voluntary Quit for Care of Family Member

STATEMENT OF THE CASE:

Rick Haygood (claimant) appealed a representative's May 22, 2014, (reference 02) decision that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with APC Company (employer).   After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 19, 2014. The claimant participated personally.   The employer participated by Michelle Price, Senior Human Resources Business Partner, and Jeff Bechen, First Shift Supervisor.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on January 20, 2011, as a full-time production operator. The claimant's significant other's mother was diagnosed with pancreatic cancer and the claimant was allowed leave from March 31 through April 22, 2014. He worked on April 23, 2014. On April 25, 2014, the claimant resigned to help care for his significant other's mother and to help with her in-home daycare. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

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.

871 IAC 24.26(8) The claimant left for the necessary and sole purpose of taking care of a member of the claimant's immediate family who was ill or injured, and after that member of the claimant's family was sufficiently recovered, the claimant immediately returned and offered to perform services to the employer, but no work was available. Immediate family is defined as a collective body of persons who live under one roof and under one head or management, or a son or daughter, stepson, stepdaughter, father, mother, father-in-law, mother-in-law. Members of the immediate family must be related by blood or by marriage.

The claimant left work to take care of his significant other's mother who was ill. This person is not related to the claimant by marriage or blood and does not fall within the confines of the statute. The claimant has failed to meet the requirements of the statute and, therefore, is not eligible to receive unemployment insurance benefits.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's intention to voluntarily leave work was evidenced by the claimant's actions. He told the employer he was leaving and quit work. The claimant left work to take care of his significant other's mother who was ill. This person is not related to the claimant by marriage or blood and does not fall within the confines of the statute. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's May 22, 2014, decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

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Beth A. Scheetz
Administrative Law Judge

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Decision Dated and Mailed

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