

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUAN F MAURICIO**  
Claimant

**APPEAL NO. 08A-UI-10671-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NSK CORPORATION**  
Employer

**OC: 09/07/08 R: 12**  
**Claimant: Respondent (2)**

871 IAC 23.43(9)a – Cross Wage Claim Relief of Charges  
Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

NSK Corporation (employer) appealed a representative's November 3, 2008 decision (reference 01) that concluded it could not be relieved of charges based on the employment of Juan Mauricio (claimant). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 2, 2008. The claimant participated personally. The employer participated by Lynda Swanson, Human Resources Administrator.

**ISSUE:**

The issue is whether the claimant would be eligible to receive unemployment insurance benefits under Iowa law.

**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 September 4, 2007, as a full-time machine operator. This was the claimant's second period of employment. The claimant did not appear for work after September 7, 2007. The claimant returned home to take care of a minor sibling for two weeks while his mother was in the hospital. The claimant did not return to the employer for work after the situation ended. He found other work with his father's company. Continued work was available had the claimant not resigned.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes that under Iowa law the claimant would not be eligible to receive unemployment insurance benefits.

871 IAC 23.43(9) provides in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20, will be liable for charges for benefits paid by the out-of-state paying state, but no reimbursement so payable shall be charged against a contributory employer's account for the purpose of section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim....

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.

871 IAC 24.25(20) 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

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 his actions. He was absent from work for personal reasons for more than ten working days. When an employee is absent from work for more than ten working days for compelling personal reasons, His leaving is without good cause attributable to the employer. The claimant left work for more than ten working days for compelling personal reasons. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. The claimant would not be eligible to receive unemployment insurance benefits under Iowa law.

**DECISION:**

The representative's November 3, 2008 decision (reference 01) is reversed. Under Iowa law the claimant would not be eligible to receive unemployment insurance benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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