

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA K JONES
Claimant

APPEAL NO. 12A-UI-03259-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 02/19/12
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Linda Jones (claimant) appealed a representative's March 28, 2012 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Wal-Mart Stores (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 13, 2012. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

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 November 9, 2006, as a full-time sales associate. On November 10, 2010, the claimant asked to leave work to care for her mother-in-law who suffered from Alzheimer's disease. The employer granted the claimant's request for a month. Each month the claimant renewed her request for another month. The employer asked the claimant if she would like to take a year's leave of absence and the claimant signed paperwork to take a year off work to care for her mother-in-law. The claimant was supposed to return to work one year from November 10, 2010.

the claimant forgot about the date and did not contact the employer in November 2011. On January 18, 2012, the claimant's mother-in-law passed away. On February 10, 2012, the claimant talked to the employer about getting her job back but the employer ended the claimant's appointment in November 2011, when she did not return at the end of her leave of absence or contact the employer.

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 section 96.5-1-c 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:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

The claimant left work to take care of her mother-in-law who was ill. The claimant did not contact the employer in November 2011, when her leave expired or when her mother-in-law passed away on January 18, 2012. The claimant has failed to meet the requirements of the statute and, therefore, is not eligible to receive unemployment insurance benefits.

DECISION:

The representative's March 28, 2012 decision (reference 01) 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.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css