

BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319

MILES A JEFFREY

Claimant

and

HARDER MECHANICAL CONTR

Employer

HEARING NUMBER: 17BUI-10089

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Board recognizes that Iowa Code §96.5(1)(c) grants benefits to those who leave "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..." Iowa Code §96.5(1)(c); 871 IAC 24.26(8). The Claimant has not, however, proven the necessity of his quitting to "take care of" his wife. See Iowa Code §96.6(1) (burden on claimant on 96.5(1)(c)). First, he failed to prove that a *quit* was necessary under these circumstances, in particular, where his wife remains able to work her job. Second, he quit not to take care of his injured family member but to handle other household issues she would normally handle if feeling better. We conclude that the Claimant has only proven

his quit was desirable, but not “necessary,” and that he failed to prove that the quit was for the “sole purpose of taking care of a member of the individual’s immediate family who was then injured” rather than taking care of other issues at home. We thus affirm the denial of benefits.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

RRA/fnv