

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MONICA LAABS
Claimant

APPEAL NO: 12A-UI-03364-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF IOWA CITY
Employer

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

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Monica Laabs (claimant) appealed an unemployment insurance decision dated March 28, 2012, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with the City of Iowa City (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 17, 2012. The claimant participated in the hearing. The employer participated through Tracy Robinson, Human Resources Assistant and Chris O'Brien, Director of Transportation Services. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

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 8, 2008 as a part-time bus driver. She submitted her written resignation on November 3, 2011 with an effective date of December 30, 2011. The claimant gave birth to her son on April 25, 2011 and after that, she missed work due to childcare issues, her son's illness, and her own illness. She was worried that she would eventually be discharged for her attendance even though she had only received one verbal warning, which was an official warning and not placed in her personnel file. The claimant only worked through December 12, 2011 and moved to California in February 2012.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

871 IAC 24.25(17) 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 § 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 § 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:

(17) The claimant left because of lack of child care.

The claimant has the burden of proving that the voluntary quit was for a good reason that would not disqualify her. Iowa Code § 96.6-2. The evidence demonstrates she quit because she missed a lot of work due to illness and childcare and wanted to leave on good terms with the employer. While the claimant may have had compelling personal reasons to voluntarily quit her employment, these reasons do not constitute good cause attributable to the employer. Benefits are therefore denied.

DECISION:

The unemployment insurance decision dated March 28, 2012, reference 02, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css