

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ENVERA MUKANOVIC**  
Claimant

**APPEAL NO. 11A-UI-12629-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BICKFORD SENIOR LIVING GROUP LLC**  
Employer

**OC: 01/24/10  
Claimant: Appellant (2)**

Section 96.5-1-e – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated September 20, 2011, reference 03, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on October 19, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Atis Mukanovic. Annette Grochala participated in the hearing on behalf of the employer. Exhibit A was admitted into evidence at the hearing.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as a certified nursing assistant from November 2001 to June 19, 2010.

She quit her job on June 19, 2010, because her husband suffers from severe asthma and allergies and his doctor had recommended moving to a different climate. She and her family moved to Arizona due to her husband's health conditions. They did not sell their residence in Iowa because the claimant and her husband hoped that his condition would improve and they could return to Iowa.

As of February 2011, the asthma and allergy problems claimant's husband had been experiencing had improved and the claimant decided to try and return to her job with the employer in Iowa. In February 2011, the claimant contacted the employer's director and offered to return to work for the employer. The director told her there was no work available and that she could contact the employer's home office in Olathe, Kansas.

The claimant contacted the home office in Kansas and informed the payroll administrator that she wanted to return to work for the employer. The payroll administrator informed the claimant that after three months, the employer did not have any obligation to rehire an employee.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1. But Iowa Code § 96.5-1-e provides that a claimant shall not be disqualified if the department finds that:

e. The individual left employment upon the advice of a licensed and practicing physician, for the sole purpose of taking a member of the individual's family to a place having a different climate, during which time the individual shall be deemed unavailable for work, and notwithstanding during such absence the individual secures temporary employment, and returned to the individual's regular employer and offered the individual's services and the individual's regular work or comparable work was not available, provided the individual is otherwise eligible.

The evidence establishes the claimant is eligible for benefits because she left her job to take her husband to a different climate for health reasons, and after his condition improved, she offered to return to work but the employer did not rehire her.

**DECISION:**

The unemployment insurance decision dated September 20, 2011, reference 03, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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