

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PUOL T NUOR Claimant FUTURE FOAM INC Employer	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO: 12A-UI-11932-DT ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 09/09/12 Claimant: Appellant (1)</div>
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Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Puol T. Nuor (claimant) appealed a representative's October 1, 2012 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment with Future Foam, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 30, 2012. The claimant participated in the hearing. Russell Jeter appeared on the employer's behalf and presented testimony from one other witness, Rich Harger. 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:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on August 12, 2007. He worked full time as a roll compressor operator on a 5:00 a.m. to 3:00 p.m., Monday through Friday schedule. His last day of work was Friday, August 17, 2012.

On Saturday, August 18 the claimant's girlfriend, who had provided his childcare, moved out and left. The claimant sent a text message to his manager, Harger, to report that because he did not have childcare he would not be in for work on Monday, August 20. Later on Monday, at about 5:38 p.m., the claimant sent Harger another text message indicating that because he still had been unable to secure adequate childcare that he was ending his employment with the employer. Harger responded to the claimant by inviting him to come in and talk with himself and the plant manager, Jeter, but the claimant was unable to come in to discuss the matter. He later came in on August 27 to turn in his materials and to pick up his final paycheck. He did not secure adequate childcare until on or about October 19.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. Leaving employment because of a lack of adequate childcare is a good personal reason, but not one attributable to the employer or that will prevent disqualification. 871 IAC 24.25(17). The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's October 1, 2012 decision (reference 02) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of August 20, 2012, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is then otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs