

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIA J BASIDI
Claimant

ABM LTD
Employer

APPEAL NO. 12A-UI-02736-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/15/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a decision of a representative dated March 8, 2012, reference 01, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 3, 2012. Claimant participated. The employer failed to respond to the hearing notice and did not participate. The record consists of the testimony of Julia Basidi.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant worked part time for the employer doing cleaning work. She was hired on March 11, 2011. She quit her job on September 7, 2011. The claimant had to quit her job to care for her daughter. Her daughter had had surgery and she had no alternative but to quit.

REASONING AND CONCLUSIONS OF LAW:

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 was the person who initiated the separation of employment. She quit her job in order to care for daughter. Iowa law states that if an individual quits her job because of lack of childcare, that decision is a voluntary quit without good cause attributable to the employer. The claimant had a good personal reason for quitting her job but the employer did not cause her to quit her job. Benefits are therefore denied.

DECISION:

The decision of the representative dated March 8, 2012, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs