

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**MELISSA L KOCH  
475 JEFFERSON ST  
TORONTO IA 52777**

**JACKSON COUNTY PUBLIC HOSPITAL  
ATTN HUMAN RESOURCES  
700 W GROVE ST  
MAQUOKETA IA 52060**

**Appeal Number: 05A-UI-08030-CT  
OC: 07/03/05 R: 04  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Melissa Koch filed an appeal from a representative's decision dated July 28, 2005, reference 01, which denied benefits based on her separation from Jackson County Public Hospital (JCPH). After due notice was issued, a hearing was held by telephone on August 26, 2005. Ms. Koch participated personally. The employer participated by Mindi Nelson, Human Resources Director. Exhibits One through Eight were admitted on the employer's behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Koch began working for JCPH on May 26, 2003. She was hired to work full time as a human resources assistant and payroll clerk. In October of

2004, she began needing to take time off work for medical treatment of a foster child in her care. The time off was approved under the Family and Medical Leave Act (FMLA). Ms. Koch experienced some frustrations because she would receive work-related calls on days she was off on FMLA. She did not address the issue with her supervisor. She was also stressed because of still having to complete her work requirements after taking time off. On March 3, 2005, Ms. Koch submitted a written resignation to be effective April 3, 2005. She cited time demands in her personal life as the reason for the resignation.

Ms. Koch agreed to remain in the employment until her replacement was hired and trained. It was anticipated that she would remain for six to eight weeks after her replacement was hired. It was agreed that she would be considered "PRN" and work one day per week beginning April 3, 2005. Her replacement began on April 18. Ms. Koch assisted with training the new employee and performed other duties as requested. On or about June 19, she was advised that there would be no further work available for her after June 30, 2005. But for her resignation, Ms. Koch could have continued in her full-time employment.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Koch was separated from employment for any disqualifying reason. She initiated the separation when she tendered her resignation on March 3, 2005. She knew she was on "PRN" status effective April 3 and that she would be allowed to work for some period of time after her replacement was hired. She was never guaranteed that she could remain on "PRN" status. For the above reasons, the separation is considered a voluntary quit.

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The phrase "good cause attributable to the employer" generally refers to some matter over which the employer has control. Ms. Koch quit because of personal reasons, primarily related to the need to take a child in her care for medical treatment. Although she had good personal cause for quitting, her reasons were not attributable to the employer. An individual who leaves employment because of serious family needs or responsibilities is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(23). For the above reasons, benefits are denied.

#### DECISION:

The representative's decision dated July 28, 2005, reference 01, is hereby affirmed. Ms. Koch voluntarily quit her employment with JCPH for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kjw