

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**OMALASSAN I DAFALLA**  
Claimant

**APPEAL NO. 09A-UI-00307-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MERCY HOSPITAL**  
Employer

**OC: 10/12/08 R: 02  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit  
Section 96.6(2) – Timeliness of Appeals

**STATEMENT OF THE CASE:**

Omalassan Dafalla filed an appeal from a representative's decision dated December 22, 2008, reference 04, which denied benefits based on her separation from Mercy Hospital. After due notice was issued, a hearing was held by telephone on January 22, 2009. Ms. Dafalla participated personally. The employer participated by Eddie Brown, Employee Relations/Compliance Coordinator, and Rich Angus, Manager. Robert Talaing participated as the interpreter.

**ISSUE:**

The first issue is whether Ms. Dafalla's appeal should be considered timely filed. If it is, then the issue becomes whether she was separated from employment for any disqualifying reason.

**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: The representative's decision that is the subject of this appeal was mailed to Ms. Dafalla at her address of record on December 22, 2008. She received the decision but did not understand its content because of a language barrier. She did not understand that there was an appeal deadline. She filed her appeal at her local Workforce Development office on January 9, 2009.

Ms. Dafalla began working for Mercy Hospital on August 20, 2007 as a full-time employee in the housekeeping department. She quit and turned in her badge and keys on October 17, 2008. She was not asked to quit and continued work would have been available if she had not quit. She left the employment because of childcare issues. The employer had changed her work schedule on three occasions to accommodate her personal situation.

At the time of separation, Ms. Dafalla was working from 10:00 p.m. until 10:00 a.m. She indicated in her letter of appeal that she did not have daycare for her children. She had been absent from work on some occasions because of her children's illness or because she did not

have childcare. Although she had been warned about her attendance, she was not being considered for discharge when she quit.

**REASONING AND CONCLUSIONS OF LAW:**

An individual has ten days in which to appeal from a representative's decision. Iowa Code section 96.6(2). Ms. Dafalla's appeal deadline was January 1, 2009. Because the due date fell on a holiday, it would be extended to January 2. Ms. Dafalla did not file her appeal until January 9. The delay was due to her inability to read and fully understand the decision because English is not her native tongue. The administrative law judge concludes that good cause has been established for the untimely filing. As such, the agency has jurisdiction over the separation issue.

Ms. Dafalla quit her job with Mercy Hospital but her resignation was not requested. 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). Ms. Dafalla contended that she quit because the employer would not allow her to take two days off due to her son being in the hospital on October 16 and 17. The employer had made schedule changes at Ms. Dafalla's request to accommodate her family needs. Given this factor, the administrative law judge is not inclined to believe the employer would deny her request to have two days off to be with her hospitalized child.

Based on the evidence as a whole, the administrative law judge concludes that Ms. Dafalla quit her job because of childcare issues. Under such circumstances, the separation is not considered attributable to the employer. See 871 IAC 24.25(17). For the reasons stated herein, benefits are denied.

**DECISION:**

The representative's decision dated December 22, 2008, reference 04, is hereby affirmed. Ms. Dafalla voluntarily quit her employment with Mercy Hospital for no good cause attributable to the employer. Benefits are withheld until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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