

On September 2, the claimant was informed that his father in Mexico was very sick and possibly would not recover. He requested time off to travel to Mexico to see his father and was informed that he would need to provide medical documentation verifying his father's medical condition. The employer wanted the documentation before the claimant left, but the claimant understood that he was provide the information after he arrived in Mexico. The claimant left for Mexico on September 3. His wife called his supervisor before the start of next shift, and informed the supervisor about his trip to Mexico.

On September 7, 2005, the claimant had his father's doctor fax medical information to the employer verifying the fact that his father was ill and underwent surgery. The claimant needed to remain in Mexico to care for his father when he was released from the hospital and take him to subsequent medical appointments. When his father had recovered, the claimant immediately returned to his home in Iowa and reported to the plant to work on September 20, 2005. He was informed that he was considered to have voluntarily quit employment after he missed work for three days without notice to the employer.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The unemployment insurance law, however, provides that a claimant is not disqualified if he left employment for the necessary and sole purpose of taking care of a member of his immediate family who was ill or injured and after the family member recovered, he immediately returned and offered to work. Iowa Code section 96.5-1-c.

The claimant has satisfied all of the conditions of Iowa Code section 96.5-1-c and, therefore, is not subject to disqualification for voluntarily quit employment. The evidence shows that he was needed to help care for his seriously ill father and returned to work immediately after his father had recovered enough to allow him to leave.

DECISION:

The unemployment insurance decision dated October 14, 2005, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

saw/kjw