

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARTHUR J KIENTOPF
Claimant

APPEAL NO. 10A-UI-12660-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**R & F PUBLISHING
SUPERB SERVICES MIDWEST LLC**
Employer

**OC: 07/25/10
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 24, 2010, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 28, 2010. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Exhibit One was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 22, 2010. Claimant left work for about a month to care for his brother who had lost four children in a car accident. Claimant sent a text message to the employer indicating he had to leave for an emergency. Claimant did not contact employer after that date until claimant returned to Iowa after the emergency was resolved. Employer terminated claimant's employment for not calling or reporting his absences for a week.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he had to leave for a family emergency. Claimant failed to keep the employer informed of his need to miss work. Claimant made only one contact with employer and that was by text message. Claimant had multiple methods he could use including writing a letter and sending it by the post office. Claimant failed to keep employer properly informed of the need to be off work. This is a quit without good cause attributable to employer. Benefits withheld.

Iowa Code section 96.5-1-c 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. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

DECISION:

The decision of the representative dated August 24, 2010, reference 02, 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.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs