

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRENDA K LEE
Claimant

APPEAL NO. 13A-UI-04180-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICAN BAPTIST HOMES OF MIDWEST
Employer

OC: 03/10/13
Claimant: Appellant (5)

Section 96.5(1)c – Quit/Family Medical

STATEMENT OF THE CASE:

The claimant, Brenda Lee, filed an appeal from a decision dated April 1, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on May 16, 2013. The claimant participated on her own behalf. The employer, American Baptist Homes of Midwest (ABH), participated by Community Administrator Amy Spangler and Program Director Ramona Graham.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Brenda Lee was employed by ABH from November 1, 2011 until September 27, 2012 as a part-time consumer support staff member. She submitted a written resignation to the employer stating she was quitting to move to California to help care for her ill mother. As of the date of the hearing Ms. Lee's mother still requires full-time care.

The representative's decision states the separation date was September 27, 2013, not September 27, 2012.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant quit for the sole purpose of taking care of her mother and had to move to another state. Under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of April 1, 2013, reference 01, is affirmed. Brenda Lee is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

The claimant's separation date is September 27, 2012, not 2013.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs