

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMAL M MCQUEEN
Claimant

APPEAL NO. 09A-UI-16733-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KUM & GO LC
Employer

**Original Claim: 06/28/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed a representative's October 26, 2009 decision (reference 03) that held him disqualified from receiving benefits and the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on December 14, 2009. The claimant participated in the hearing. James Tomlinson, the manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on August 14, 2009. He worked as a full-time cashier. The claimant's last day of work was September 17, 2009.

The claimant quit his employment after he gained custody of his children who had been living with their mother in Texas. After the claimant received custody, the children's mother obtained a court order that prevented the claimant from taking the children out of Texas. As a result of the court order, the claimant could not return to Iowa with his children. The claimant explained the situation to the employer when he had to quit his job.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntary quits without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The claimant established compelling personal reasons for quitting. 871 IAC 24.25(20). His reasons for quitting are not attributable to the employer. The facts do not establish that the

claimant quit for reasons that qualify him to receive benefits. Therefore, as of September 20, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's October 26, 2009 decision (reference 03) is affirmed. The claimant voluntarily quit his employment for compelling personal reasons. These reasons do not, however, qualify the claimant to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of September 20, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw