

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KRISTI S NIVEN
Claimant

ABRH LLC
Employer

APPEAL NO. 17A-UI-07260-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/18/17
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 11, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 4, 2017. Claimant participated. Employer participated by hearing representative Thomas Kuiper and witnesses Steve Berry and Mike Halepis.

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 June 8, 2017. On June 8, 2017 claimant had personal difficulties as she'd been in contact with police in Indiana concerning a phone that had been taken from her a few weeks prior. The police said that they did not know where claimant's son was.

Claimant was late when she arrived at work and was very upset. A couple of hours into claimant's shift, she walked into the office, grabbed her purse, and walked out. Claimant didn't give employer any indication why she was leaving. The restaurant manager soon followed after claimant and met her as she was leaving in her car. The manager stated that claimant told him, "I've had enough of this job, I'm quitting." Employer stated that he asked claimant, "Are you sure this is what you want to do?" Employer stated that claimant simply responded saying, "I'm leaving, I'm leaving."

Claimant admitted that she said nothing to employer as she grabbed her purse and walked out in the middle of her shift. She stated that the store manager was on the phone and paid no attention to her. She went out to her car and her restaurant manager came out and asked her what was going on. She said she was so upset about her son that she couldn't work and she needed to find him so she was going to Chicago. Claimant said her employer asked her whether this was worth losing her job, and she responded that she could find another job, but she had to look for her son.

Employer asked claimant if she'd found her son the next day and claimant responded that she hadn't. A couple days later she sent a text saying she'd found her son and would drop her keys by when she returned home.

Employer stated that claimant put up a Facebook post saying that she was so happy that she'd quit her job. Claimant stated that the post said she was happy that she wasn't working at Village Inn any more.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Code § 96.5-1-c provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was emotional and wanted to find her son who'd run off.

It is unquestioned that when claimant was leaving, she did not take the time to talk with her restaurant manager and explain her situation. The only reason that this wasn't a simple person walking off their job and saying nothing is that employer hurried out to find claimant leaving in her car. It was employer who initiated the conversation when claimant had abandoned her shift.

These circumstances, and the fact that there were no texts between employer and claimant where she'd asked if she still had her job lend credence to the belief that claimant had quit, and not been fired from her job. If fired, claimant might have asked for her job back because of the emotional situation she'd been enduring in one of her texts, but she didn't mention her job at all in any text except to mention that she'd drop off her keys a few days after leaving.

Claimant did not ask for a few days off to take care of family members, and then immediately return to work, so this matter cannot be considered as an exception to a voluntary quit that would allow benefits.

DECISION:

The decision of the representative dated July 11, 2017, reference 01, 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.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn