

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROSLYNN M LEE**  
Claimant

**APPEAL NO. 11A-UI-02759-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AFFINA LLC**  
Employer

**OC: 09/27/09**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated March 3, 2011, reference 01, that concluded the claimant had voluntarily quit employment without good cause. A telephone hearing was held on March 29, 2011. The claimant participated in the hearing. Rhonda Hall participated in the hearing on behalf of the employer. Exhibit One was admitted into evidence at the hearing.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked full-time for the employer as a customer service representative from September 9, 2010, to September 14, 2010. The claimant was informed and understood that under the employer's work rules, employees were required to notify the employer if they were not able to work as scheduled.

The claimant left work on September 14 due to a family medical emergency because her sister, who lives in Moline, Illinois, was diagnosed with a tumor. She called in the next day and informed the employer that she would not be at work due to a family medical emergency.

The claimant had no further contact with the employer after September 15 and has never offered to return to work. She is considered to have abandoned her job.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is disqualified from receiving benefits under Iowa Code § 96.5.1, which disqualifies persons who voluntarily quit employment without good cause attributable to the employer.

The claimant left employment due to a family medical emergency. This was not attributable to the employer but instead was for personal reasons unrelated to the employer. The law does not

disqualify a claimant who leaves employment for the purpose of taking care of an ill or injured immediate family member, if after the family member recovered, the claimant immediately returned to and offered to work, but no work was available. Iowa Code § 96.5-1-c. But, this section would not apply here. First, the claimant has never offered to return to work. Second, the rules define "immediate family" as a "collective body of persons who live under one roof, and under one head or management, or a son or daughter, stepson, stepdaughter, father, mother, father-in-law, mother-in-law. Members of the immediate family must be related by blood or by marriage." 871 IAC 24.26(8). The sister was not living with the claimant and is not included in the list of relatives considered immediate family. I understand the reasons why the claimant quit working, but those reasons do not qualify her for benefits.

**DECISION:**

The unemployment insurance decision dated March 3, 2011, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw