

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KHALID M MAHOMMED**  
Claimant

**NORDSTROM INC**  
Employer

**APPEAL 22A-UI-07430-AR-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/06/22**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 23, 2022, (reference 01) unemployment insurance decision that denied benefits based upon the determination that claimant voluntarily quit employment. The parties were properly notified of the hearing. A telephone hearing was held on May 6, 2022. The claimant, Khalid M. Mahommed, participated personally. The employer, Nordstrom, Inc., did not participate. Claimant's Exhibit A was admitted. CTS Language Link provided Arabic language services for claimant.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer, or was the claimant discharged for disqualifying job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time as a worker from early 2021, until this employment ended on January 29, 2022, when he was notified that the employer accepted his resignation.

Claimant last worked on January 18, 2022. That day, he got information from his sister that his mother was in the ICU outside of the United States. Claimant called the employer's leave administrator, Sedgwick, and told them he needed to make a claim for emergency leave. He traveled out of the country to see his mother on January 20, 2022. On January 29, 2022, he received an email from the employer that stated it had accepted his resignation because the employer had tried to contact claimant about his employment, but it could not get in contact with him. Claimant explained that his phone was not working because he was out of the country. Claimant had called a colleague prior to leaving to let them know that he was leaving the country due to a family emergency. He asked the colleague to let the supervisor know about the situation. Claimant did not call anyone at the employer directly regarding the leave. Claimant did not return to the country until March 1, 2022, at which time he received the employer's voicemails it had left him in January.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was not discharged but voluntarily left the employment without good cause attributable to employer.

Iowa Code section 96.5(2)a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Iowa Code section 96.5(1) 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.

Iowa Admin. Code r. 871—24.25(23) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998).

Though claimant maintains that he did not intend to leave the employment, he also did not take the necessary steps to maintain the employment. He did not call anyone at the employer directly to let them know he would miss work, nor did he maintain email contact with anyone at the employer. He asked a colleague to let a supervisor know about the situation, but it is not the colleague's responsibility to do so. The administrative law judge is sympathetic to claimant's situation. However, the separation is a voluntary quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The March 23, 2022, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



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Alexis D. Rowe  
Administrative Law Judge

June 7, 2022  
Decision Dated and Mailed

ar/kmj