

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANGELA M WOOD

Claimant

APPEAL 21A-UI-04606-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LIFESERVE BLOOD CENTER

Employer

OC: 12/20/20

Claimant: Appellant (1)

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

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Angela M. Wood, the claimant/appellant filed an appeal from the January 25, 2021, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on April 12, 2021. Ms. Wood participated and testified. The employer participated through Kelsi Gonzalez, human resources coordinator.

ISSUE:

Did Ms. Wood voluntarily quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Wood began working for the employer on April 1, 2019. She worked as a part-time call center representative. Her last day at work was February 17, 2020. Ms. Wood quit on March 3, 2020.

Ms. Wood's sister, who lives in Nevada, became sick. Ms. Wood took paid-time-off (PTO) from February 18, 2020 through March 2, 2020 to go to Nevada to care for her sister. On March 3, 2020, Ms. Wood quit to permanently move to Nevada to care for her sister. Ms. Wood moved to Nevada within the week and is now a permanent resident of Nevada. Ms. Wood later learned that her sister was diagnosed with COVID-19.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Wood's separation from the employment was without good cause attributable to the employer.

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.

(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.

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.

Iowa Admin. Code r. 871-24.26(8) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(8) The claimant left for the necessary and sole purpose of taking care of a member of the claimant's immediate family who was ill or injured, and after that member of the claimant's family was sufficiently recovered, the claimant immediately returned and offered to perform services to the employer, but no work was available. Immediate family is defined 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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).

In this case, Ms. Wood left employment with this employer to take care of her sister in Nevada. Under Iowa law, a person is eligible for benefits only if they leave employment to care for "immediate family," and after their family member recovers they return and offer to work for the same employer. In this case, Ms. Wood has not returned and offered to work for the employer again. Also, unfortunately, Iowa law does not consider a person's sister as an "immediate

family" member in this scenario. The administrative law judge sympathizes with Ms. Wood. However, under Iowa law, Ms. Wood's leaving was not for a good-cause reason attributable to the employer. Benefits must be denied.

DECISION:

The January 25, 2021, (reference 01) unemployment insurance decision is affirmed. Ms. Wood left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Daniel Zeno
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April 16, 2021
Decision Dated and Mailed

dz/ol