

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARY L LONG

Claimant

CHRISTIAN OPPORTUNITY CENTER

Employer

APPEAL 15A-UI-05936-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/15

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 8, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on June 16, 2015. Claimant participated personally. Employer participated through Human Resources, Director Angela DeCook.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a Living Skills Advisor beginning December 6, 2007, and was separated from employment on October 30, 2014, when she voluntarily resigned her employment. Claimant reported to Lori Weile.

In August 2014, claimant took approved Family and Medical Leave Act (FMLA) leave to care for her parents in Michigan. At the end of October, when claimant exhausted her FMLA leave, she returned to Iowa and met with Weile and Lynn Schafer. Claimant asked Weile if she could take an additional leave of absence. Under employer's leave of absence policy, employees are terminated when they exhaust FMLA leave, but are allowed to reapply when they become available for work. Employees are eligible for reemployment if they provide a two-week notice of resignation. Weile, Schafer, and claimant tried to work out a way for claimant to give a two-week notice, but were unable to do so because claimant needed to return to Michigan to care for her parents. Claimant submitted a letter of resignation effective October 30, 2014. As of the date of the hearing, Claimant remains in Michigan because of family responsibilities. Continued work is available.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 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 § 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 § 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.

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).

In this case, claimant did not want to end her employment, but did so due to family responsibilities. She exhausted her leave available from employer and was not sure when she would be available for work.

The claimant's decision to quit because of family responsibilities was a good personal reason but was not a good-cause reason attributable to the employer for leaving. Benefits must be denied.

DECISION:

The May 8, 2015, (reference 01) decision is affirmed. The claimant voluntarily 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.

Christine A. Louis
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Decision Dated and Mailed

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