

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GERALD E STRAIGHT
Claimant

APPEAL NO. 13A-UI-03803-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ARONA CORPORATION
Employer

**OC: 02/17/13
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 22, 2013, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 3, 2013. Claimant participated. Employer participated by Lisa Ziesman, Client Services Administrator and Tim Chance, General Manager. Exhibits One and A were admitted into evidence.

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 January 30, 2013. Claimant left work to care for a family member. Employer asked claimant to turn in paperwork for the leave of absence. Claimant asked that the paperwork be modified to correct date errors. Employer did not revise the paperwork. Claimant made attempts to return to work on several days. Employer turned claimant away. Claimant asked to return to work four days a week on February 18, 2013. Employer turned claimant away. A few days later claimant again offered to return to full-time work. Employer did not allow claimant to come back. Employer finally terminated the employment relationship March 5, 2013 because of paperwork.

REASONING AND CONCLUSIONS OF LAW:

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 he was off work caring for a family member. Claimant did try to return to service after resolving the personal conflict. Employer rebuked claimant's repeated efforts to return to work. Claimant has satisfied the provisions of the Iowa Code by offering to return to work after caring for a family member. Benefits allowed.

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. 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.

DECISION:

The decision of the representative dated March 22, 2013, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css