

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

BRYCE E THOMPSON
1936 FRANCIS AVE
DES MOINES IA 50314

IPC INC
STE B
601 SW 9TH ST
DES MOINES IA 50309

Appeal Number: 05A-UI-08063-LT
OC: 04-24-05 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Iowa Code §96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the July 26, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 23, 2005. Claimant did participate. Employer did participate through Jackie Winters and Jamie Lafferty. Employer's Exhibit 1 was received.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time production worker through July 6, 2005, when he quit. On January 19 claimant's 16-year-old son, Jim, was in an accident and was exposed to flesh eating bacteria in a hospital while being treated. His wife has also contracted the bacteria and infection and claimant is considered to be "colonized" with the bacteria. Claimant was on

Family Medical Leave Act (FMLA) from January 2005 through April, when he returned to work but was unable to work complete weeks. His son is suicidal because of the injury and his wife is mentally and emotionally strained. John Klein, previous plant manager, knew of the situation. Claimant attempted to keep in contact with Jamie Lafferty about medical events. He attempted to call on July 1 several times and was unable to do so and gave up. He did not try to call employer after July 1 nor did he report to work thereafter.

The claimant quit because of serious family matters or family responsibilities. Continued work was available.

REASONING AND CONCLUSIONS OF LAW:

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

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.

871 IAC 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2) (amended 1998).

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

DECISION:

The July 26, 2005, reference 01, 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.

dml/kjw