

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RUBY L MCMURRY**  
Claimant

**APPEAL NO. 08A-UI-04487-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**R J PERSONNEL INC  
TEMP ASSOCIATES**  
Employer

**OC: 04/06/08 R: 12  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 5, 2008, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on May 22, 2008. Claimant participated. Employer participated by Mike Thomas, Account Manager, and Mariano Rodriguez, Account Manager. Exhibits A and One 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 having considered all of the evidence in the record, finds: Claimant last worked for employer on October 8, 2007. Claimant was summoned out of town due to a personal emergency. Claimant, on the way back to her home in Iowa, incurred a personal health emergency with her husband that required additional days off. Claimant immediately called the employer. Claimant then called the employer again October 29, 2007, indicating that the health issue had been resolved. Employer informed claimant that her assignment had been ended when she was not able to return to work October 18, 2007.

**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 she had a personal emergency and then a second emergency where she had to care for a family member. The first emergency was under ten days and is good cause for a quit when no work was available upon return. Before claimant could return from the first emergency, her husband took ill and she was again delayed. Such leaves of absence due to family health issues are good cause for a quit where claimant immediately returned to ask for her job back once the health issue is resolved. Here claimant did call back in on October 29,

2007 and did ask for her job back. Since no work was available, it is a quit for good cause attributable to employer. 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.

Iowa Code section 96.5-1-g 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:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

**DECISION:**

The decision of the representative dated May 5, 2008, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw