

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VERONICA M MALDONADO
Claimant

APPEAL NO: 12A-UI-05036-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORTHWEST IOWA HOSPITAL CORP
Employer

OC: 03/25/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Veronica M. Maldonado (claimant) appealed a representative's April 24, 2012 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Northwest Iowa Hospital Corporation (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 22, 2012. The claimant participated in the hearing. Gary Johnson appeared on the employer's behalf and presented testimony from one witness, Jeff Went. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

The claimant started working for the employer on October 24, 2011. She worked part time (25 - 30 hours per week) as a housekeeper. Her typical schedule was to work from 8:00 a.m. to 4:00 p.m. about four days per week. Her last day of work was March 7, 2012.

On or about February 22 the claimant had approached the employer and informed the employer that she could no longer work the 8:00 a.m. to 4:00 p.m. schedule; she indicated that due to child care issues, she could only work from 9:00 a.m. to 3:00 p.m. The employer agreed that the claimant could work on that schedule for a couple weeks to try to find other child care arrangements. On March 9 the employer contacted the claimant and inquired if she had resolved her child care issues so that she could return to her normal 8:00 a.m. to 4:00 p.m. schedule. The claimant responded that she could not. The employer indicated that it could no longer wait for her to resolve her child care issues. As a result, the claimant's employment ended on that date.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer under her regular hours. The employer was not required to adjust the claimant's hours to accommodate the claimant's child care issues; the claimant was obliged to resolve her child care issues and return to her regular work schedule, but she did not. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Being unable to return to work because of child care issues is not a good cause attributable to the employer. 871 IAC 24.25(17). Benefits are denied.

DECISION:

The representative's April 24, 2012 decision (reference 02) is affirmed. The claimant effectively voluntarily left her employment without good cause attributable to the employer. As of May 9, 2012, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css