

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**HENRY HARPER**  
Claimant

**APPEAL NO. 15A-UI-07183-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOODWILL INDUSTRIES OF THE  
HEARTLAND**  
Employer

**OC: 05/31/15**  
**Claimant: Appellant (1)**

Iowa Code section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Henry Harper filed a timely appeal from the June 19, 2015, reference 02, decision that disqualified him for benefits and that relieved the employer of liability for benefits, based on an Agency conclusion that Mr. Harper had voluntarily quit on May 5, 2015 without good cause attributable to the employer. After due notice was issued, a hearing was held on July 28, 2015. Mr. Harper participated. Mary Kating of Sedgwick Unemployment represented the employer and presented additional testimony through Jessica Brecht.

**ISSUE:**

Whether the claimant's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Henry Harper was employed by Goodwill Industries of the Heartland as a full-time Supportive Community Associate from April 20, 2015, and last performed work for the employer on Wednesday, April 29, 2015. Mr. Harper's immediate supervisor was Jessica Brecht, Lead Supportive Community Living Specialist. Mr. Harper was still in training at the time he separated from the employment. His regular work hours while in training were 8:00 a.m. to 4:00 p.m., Monday through Friday. On April 29, 2015, Mr. Harper notified Ms. Brecht that his brother had been in an accident in Memphis, Tennessee. On April 30, 2015, Mr. Harper sent Ms. Brecht a text message to let her know that he was traveling to Memphis and did not know how long he would be there. On Friday, May 1, 2015, Ms. Brecht sent Mr. Harper a text inquiring about his plans. On Monday, May 4, 2015, Mr. Harper sent an email message to Ms. Brecht stating that he was not sure how long he was going to be in Memphis. On May 5, 2015, Mr. Harper sent Ms. Brecht an email message in which he resigned from the employment. Mr. Harper wrote, "Things are still up in the air here. Therefore, at this time I will resign my position. Thank you for the opportunity. I will drop my key and computer off when I return." At the time Mr. Harper voluntarily quit the employment, the employer continued to have work available for him.

Mr. Harper returned to his home in Iowa City in June 2015. Mr. Harper brought his brother with him. Mr. Harper advises that his brother is paralyzed from the chest down and requires 24 hour care. Mr. Harper has not returned to the employer to offer his services.

### **REASONING AND CONCLUSIONS OF LAW:**

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Iowa Code § 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 Admin. Code r. 871-24.25(20) and (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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

Iowa Administrative Code rule 871-24.26(8) provides as follows:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

24.26(8) The claimant left for the necessary and sole purpose of taking care of a member of the claimant's immediate family who was ill or injured, and after that member

of the claimant's family was sufficiently recovered, the claimant immediately returned and offered to perform services to the employer, but no work was available. Immediate family is defined as a collective body of persons who live under one roof and under one head or management, or a son or daughter, stepson, stepdaughter, father, mother, father-in-law, mother-in-law. Members of the immediate family must be related by blood or by marriage.

The evidence in the record establishes that Mr. Harper voluntarily quit the employment for compelling personal reasons and serious family responsibilities, but not for good cause attributable to the employer. Mr. Harper's brother did not meet the definition of "immediate family member" for purposes of Iowa Code section 96.5(1)(c) and Iowa Administrative Code rule 871-24.26(8) because the brother did not live in the same household as Mr. Harper at the time Mr. Harper separated from the employment. Even if the brother had met the definition of "immediate family member" for unemployment insurance purposes, Mr. Harper never returned to employer to offer his services. Mr. Harper's absence due to the compelling personal circumstance far exceeded 10 working days.

Because Mr. Harper voluntarily quit the employment without good cause attributable to the employer, he is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits.

**DECISION:**

The June 19, 2015, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in a been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/mak