

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFERY G HACKER
Claimant

APPEAL NO. 14A-UI-00585-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PCI PEAK COMMUNICATIONS LLC
Employer

OC: 11/24/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 13, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 10, 2014. Claimant participated. Employer participated by Jonathan Wright, Office Manager.

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 July 31, 2013. Claimant quit at the suggestion of employer. Claimant had trouble getting his full 40 hours of work per week. By working under 40 hours claimant's pay dropped significantly. Claimant had a child dropped on his steps. The child has special needs. Claimant lost a considerable amount of time from work due to family issues and child care. Claimant quit so as to care for a family member. Once the child was back in school claimant made a single call to the employer to seek reemployment. Claimant did not make a good faith effort to return to work after resolution of the family issue.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he needed to care for a family member. Once the problem was resolved claimant failed to make a good faith effort to return to work. The failure on the part of claimant to immediately seek reemployment from employer makes this a quit without good cause attributable to employer. Benefits withheld.

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 January 13, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css