

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BORYS PROKOP
Claimant

APPEAL NO. 09O-UI-15901-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ARCHER-DANIELS-MIDLAND CO
Employer

**Original Claim: 07/26/09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 25, 2009, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on November 30, 2009 per remand order October 22, 2009. Claimant participated. Employer participated by Bryce Albrechtsen, Human Resource Manager, and Harry Sutcliffe, Waste Water Treatment Superintendent. Exhibit One was 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 April 26, 2009. Claimant's sister was in treatment for cancer. Claimant went off work April 20, 2009 to care for his sister while she was in treatment. Claimant was able to return to work July 26, 2009, full-time, in the Chicago area. Claimant was able to return to the employer's location at Clinton on or about August 26, 2009. Claimant did not return to Clinton to ask for his job back. Claimant did eventually move to Denver to be closer to his sister. Claimant never did go back to Clinton to ask for his job back.

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 of a sick sibling. Claimant went off work for family issues. However, once the family health issue was resolved, claimant did not return to ask for his job back as required by the statute. This is a quit for personal reasons. 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 August 25, 2009, 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/kjw