

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JACQUELINE G EUFORD**  
Claimant

**APPEAL NO. 09A-UI-17825-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXCEPTIONAL PERSONS INC**  
Employer

**Original Claim: 11/01/09  
Claimant: Appellant (1)**

Iowa Code section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Jacqueline Euford filed a timely appeal from the November 20, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on January 7, 2010. Ms. Euford participated. Angela Tye, Human Resources Director, represented the employer and presented additional testimony through Bob Peck, Program Manager. Exhibit One was received into evidence.

**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: Jacqueline Euford was employed by Exceptional Persons, Inc., as a full-time community live-in support staff from 1999 until August 3, 2009, when she voluntarily quit to relocate to Huntsville, Alabama, and care for her parents, both of whom have cancer. Ms. Euford submitted a written resignation, which the employer accepted. The employer continued to have work available for Ms. Euford. Ms. Euford continues to reside in Alabama and care for her parents. In November 2009, Ms. Euford commenced working through a temporary staffing agency in Alabama. Ms. Euford schedules her work around her mother's medical and transportation needs. Ms. Euford has not returned to Exceptional Persons to offer her services since resigning from the employment.

**REASONING AND CONCLUSIONS OF LAW:**

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.

A person who voluntarily quits employment to relocate to a new locality is presumed to have quit without good cause attributable to the employer. 871 IAC 24.25(2).

A person who voluntarily quits due to family responsibilities or serious family needs is presumed to have quit without good cause attributable to the employer. 871 IAC 24.25(23).

The weight of the evidence in the record establishes that Ms. Euford voluntarily quit the employment for the sole purpose of taking care of her ill parents. Those responsibilities necessitated Ms. Euford's relocation from Iowa to Alabama, where she continues to reside and care for her parents. While Ms. Euford quit for compelling personal reasons, the quit was without good cause *attributable to the employer*. Iowa Code section 96.5(1)(c) provides a means by which a person who quits for the sole purpose of caring for an ill immediate family member might reestablish eligibility for unemployment insurance benefits. First, the person would have to return to the employer—after it was no longer necessary for her to provide care to her loved one—and offer her services to the employer. That has not happened in Ms. Euford's case. Second, while the person is away from the employment for the purpose of caring for her loved one, she cannot have accepted other employment. Ms. Euford accepted other employment during her absence from Exceptional Persons.

Based on the evidence in the record and application of the appropriate law, the administrative law judge must conclude not only that Ms. Euford voluntarily quit without good cause attributable to the employer, but that Ms. Euford is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Euford.

**DECISION:**

The Agency representatives November 20, 2009, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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