

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG THOMPSON
Claimant

APPEAL NO: 09A-UI-16040-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCHENKER LOGISTICS INC
Employer

OC: 09/27/09
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed a representative's October 16, 2009 decision (reference 01) that concluded he was not qualified to receive benefits, and the employer's account was not subject to charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on December 1, 2009. The claimant participated in the hearing. The employer did not respond to the hearing notice, or participate in the hearing. Based on the evidence, the arguments of the claimant, 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 his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on August 8, 2008. The claimant worked full time for the employer. In late April 2009, the claimant requested FMLA. The claimant had not worked long enough to receive FMLA, but the employer granted him a leave of absence for 30 days so he could go back to Chicago and make healthcare arrangements for his mother. The claimant worked on April 24 and then went on an approved leave of absence.

After the claimant went to Chicago, he discovered his mother's health had deteriorated to the extent she needed 24-hour care. On May 5, 2009, the claimant called the employer to let them know what was going on. He then indicated he might need to be gone longer than 30 days. The employer indicated his job could not be held open for more than 30 days.

On May 24, the claimant again talked to the employer to report that he hoped a 24-hour nurse could be hired and working for his mother by June 6, 2009. The employer again told the claimant his leave of absence could not be extended. When the claimant came back to Iowa, the employer indicated he could work at the employer's business through a temporary agency, but he would not immediately be re-employed by the employer.

As of December 1, the claimant has not returned to Iowa because mother's health keeps deteriorating. The claimant is an only child and he has remained in Chicago to take care of his mother.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When the claimant was unable to return to work after his leave of absence ended, he quit his employment. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant is not qualified to receive benefits if he leaves employment for more than ten days for compelling personal reasons. 871 IAC 24.25(20). The claimant did not return from his approved leave of absence because he stayed in Chicago to take care of his mother. While this is a compelling reason for not returning to work and ultimately quitting, this reason does not qualify the claimant to receive benefits. As of September 27, 2009, the claimant is not qualified to receive benefits.

DECISION:

The representative's October 16, 2009 decision (reference 01) is affirmed. The claimant voluntarily quit his employment when he failed to return to work after May 24, 2009. The claimant quit for compelling personal reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of September 27, 2009. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css