

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ELIZABETH A MC COY**  
Claimant

**APPEAL NO: 13A-UI-04655-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 03/31/13**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEUDRAL STATEMENT OF THE CASE:**

The claimant appealed a representative's April 16, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Lisa Ashmore and Kenten Roth appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in December 2007. Most recently she worked full time in produce. During her employment, the claimant has requested and been granted a leave of absence for various reasons. She was on a personal leave of absence from October 28, 2012, through March 14, 2013.

The last day the claimant worked was March 15, 2013. After the claimant returned from her leave of absence, her middle son became ill. The claimant talked to an assistant manager to find out if she could use vacation days to be with her son at the University of Iowa for medical tests. The claimant is a single parent. The assistant manager indicated the claimant did not have any time available to take off. The assistant manager also told the claimant that if she approved the claimant's request for time off and the store manager over rode her decision; the claimant would be discharged for excessive absenteeism.

On March 28, the claimant talked to Ashmore. After the claimant indicted she wanted time to spend time with her family, Ashmore asked if the claimant wanted to resign so she would be eligible to be rehired. The claimant was still eligible for a personal leave of absence, but if she missed another day after that ended, she could be discharged for absenteeism. Ashmore understood the claimant resigned so she could be at home and take care of her children. The

claimant's employment ended on March 30, 2013, when she resigned. When the claimant resigned she was still potentially eligible for seven months of leave.

As of May 17, the claimant is not able to work because of her child's on-going medical appointments and treatment.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The facts establish the claimant chose to resign so she would be eligible to be rehired after her child's medical issues were resolved. Since the claimant could have requested more time off by taking another leave of absence, she made the decision to resign. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The claimant established compelling personal reasons for quitting, being with her son at the University hospital and then taking him to on-going treatments for his medical condition. While it is understandable why the claimant quit, she quit for reasons that do not qualify her to receive benefits. As of May 17, 2013, the claimant acknowledged she is not able to work because her son's on-going medical appointments. As of March 31, 2013, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's April 16, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons, but these reasons do not qualify her to receive benefits. As of March 31, 2013, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css