

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**KAAVA WATSON**  
Claimant

**RISEN SON CHRISTIAN VILLAGE**  
Employer

**APPEAL 15A-UI-02992-JCT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/08/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the February 26, 2015 (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on April 6, 2015. The claimant participated. The employer participated through Teresa Nelson. Amanda Conway testified and Jody Green was an observer.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a licensed practice nurse (LPN) and was separated from employment on December 30, 2014 when she resigned. Continuing work was available.

The claimant resigned as a result of family obligations and childcare. The claimant was going to be losing her childcare in January 2015. She also attended therapy with her son once a week but was advised to expand it to daily. The claimant worked from 2:00 p.m. to 10:00 p.m., Tuesday through Friday and believed her resignation would allow for more flexibility and accommodation for her family matters. The claimant was unable to immediately switch to day shifts due to a wait list. The claimant was also offered an opportunity to go to an on-call, "PRN" status; which could not guarantee shifts or hours.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 96.5-1 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.

Iowa Admin. Code r. 871-24.25(17), (20), and (23) provide:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(17) The claimant left because of lack of child care.

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

In this case, the claimant left her employment to care for her family matters related to her children's childcare and appointments. The claimant's childcare had not yet ceased at the time of separation, and the claimant's shifts began at 2:00 p.m. which would allow for appointments during normal business hours. It is understandable these concerns would be challenging to balance, and while claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The February 26, 2015 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

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