

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATIENCE S DUBILO**  
Claimant

**APPEAL NO: 13A-UI-10809-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RESIDENTIAL ALTERNATIVES OF IOWA  
WINDMILL MANOR**  
Employer

**OC: 08/25/13  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(17) – Child Care Issues

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated September 16, 2013, reference 01, that held she voluntarily quit without good cause attributable to her employer on July 28, 2013, and benefits are denied. A telephone hearing was held on October 16, 2013. The claimant did not participate. Anne Stramel, Manager, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant began employment on June 20, 2011 and last worked for the employer as a part-time personal aide on July 28, 2013. The claimant delivered twin boys and she let the employer know she was going to work out her schedule to July 28 and leave employment to stay home with them.

The claimant failed to respond to the hearing notice. The department call record was checked immediately before the hearing and there is no record claimant called in for the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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.

871 IAC 24.25(17) provides:

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 section 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 section 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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to child care issues on July 28, 2013.

While claimant had a good personal reason for leaving employment, it is not one considered a good cause attributable to the employer.

**DECISION:**

The department decision dated September 16, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to her employer on July 28, 2013. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

---

Randy L. Stephenson  
Administrative Law Judge

---

Decision Dated and Mailed

rls/css