

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SIMONE R WOODS
Claimant

LUTHERAN HOME FOR THE AGED
Employer

APPEAL NO. 14A-UI-10871-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/21/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 13, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 6, 2014. Claimant participated, and had witness Marchelle Miller. Employer participated by Kalyn Bonjour. Employer's Exhibits One through Two were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 30, 2014. Claimant has a sick father in Indiana, and claimant wished to care for her father.

Claimant had previously applied for and been granted FMLA leave for her son. Claimant asked for FMLA for her father, but was told that she already had it in place for her son. Claimant then put in her two-weeks' notice on June 17, 2014 (although the notice states 4-17-14, that date was written in error).

Claimant was told when she quit that should she choose to come back to Iowa and reapply for her job after her father's condition stabilized that she would be given special consideration for her job. Claimant has applied for but not gotten any jobs since moving to Indiana.

REASONING AND CONCLUSIONS OF LAW:

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(23) 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 § 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:

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

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she went to care for her sick father. Although it is certainly understandable that claimant went to care for her sick father, such leaving of employment is not attributable to employer.

DECISION:

The decision of the representative dated October 13, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css