

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BARBARA E FRY
Claimant

B R STORES INC
Employer

APPEAL NO. 17A-UI-06660-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/04/17
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 June 23, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 19, 2017. Claimant participated and had witness Jami Albertson. Employer participated by Jon Thober and Brian Marohl. Employer's Exhibits 1-2 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 May 5, 2017. Claimant voluntarily quit on that date. She wanted to get off of work in the middle of her shift as her daughter had asked claimant to help with the care of her children.

Claimant had missed much work for employer, due in part to claimant's seizures that made her unable to attend work and also due to the fact that claimant had to help her daughter in caring for claimant's grandchildren.

On May 5, 2017 during the middle of her shift, claimant received notice from her daughter that she needed claimant to come home to care for her children while claimant's daughter went to meet with the principal at school to address a child's behavioral problems. Claimant asked her supervisor if she could leave in the middle of a busy shift. The supervisor stated that she'd have to speak with an assistant manager. The assistant manager and supervisor came to claimant and her daughter (who'd recently arrived at the store) and the assistant manager told claimant that she was lucky that she still had a job with all the time she'd missed. Claimant responded back that she didn't have a job anymore and walked off in the middle of her shift.

There was still ongoing work available for claimant at the time of her quit.

REASONING AND CONCLUSIONS OF LAW:

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 employer would not give claimant immediate time off in the middle of her shift so she could help her daughter babysit claimant's grandchildren. Employer was not terminating claimant, but claimant wanted to leave in the middle of her shift, giving no advance notice to employer.

While it is appreciated that it's a difficult situation that claimant and her daughter are in – having four children under the age of ten that the two of them are caring for – this does not allow claimant to leave on a whim in a non-emergency situation. Claimant's daughter being called to the principal's office for her son's misdeeds does not amount to an emergency situation. As such, claimant's quit was not attributable to employer, but rather to claimant herself.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

DECISION:

The decision of the representative dated June 23, 2017, 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/scn