

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KATHY J WITT
Claimant

AMAZON.COM SERVICES INC
Employer

APPEAL NO. 21A-UI-14380-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/28/21
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 18, 2021, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 19, 2021. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

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 December 16, 2020. Claimant voluntarily quit her job on that date as her previous injuries were acting up causing her great discomfort. At the same time claimant's elderly mother needed help as she'd recently broken her hip. Claimant was the only family member in the area and she moved in with her for a while.

Claimant has worked for many decades and does not have a history of being on unemployment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

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 her body hurt as a result of previous injuries incurred and she wanted to care for her mother.

Ordinarily “good cause” is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O’Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). “The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith.” *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). “Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee’s quit in order to attribute the cause for the termination.” *Id.* While claimant certainly had good cause reasons for quitting her employment, those reasons were not attributable to employer. Claimant’s soreness was understandable in doing a physical job, but was not shown to be as a result of out-of-the-ordinary work. Care for an elderly relative is laudable, but is not a reason for quitting that is attributable to employer.

DECISION:

The decision of the representative dated June 18, 2021, 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

August 24, 2021
Decision Dated and Mailed

bab/mh