

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOEL A KOFFRON
Claimant

APPEAL NO: 12A-UI-11174-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICLEAN OF IOWA LLC
Employer

**OC: 08/19/12
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 11, 2012 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge. The claimant participated in the hearing. Theresa Brown, the office manager, appeared on the employer's behalf. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for reasons constituting work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in June 2012. He worked as a full-time environmental consultant.

On August 15, 2012, the claimant sent the employer an email informing the employer his last day of work for the employer would be August 22, 2012. The claimant explained that he needed to be at home to take care of his wife and his young children full time. The claimant's wife has a health condition that requires someone to be with her and the children all the time. (Claimant Exhibit A.) The employer accepted the claimant's resignation.

On August 20 or 21, the employer learned the claimant planned to work only a half day on August 22. On August 21, Brown asked the claimant for his office keys because the owner would not be at work until August 22. The employer wanted to inventory the items in the claimant's office to make sure he did not take any of the employer's equipment or property. After Brown took the keys to his office, the claimant understood his employment ended on August 21 instead of August 22. The claimant did not go back to the office on August 22.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit on August 15, when he informed the employer his last day of work would be August 22, 2012. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2). Even if the employer did not allow the claimant to work on August 22 for half a day, the claimant initiated his employment separation and designating his last day of work does not change a voluntary quit to a discharge.

Unfortunately, 871 IAC 24.26(8) applies when a claimant has been taking care of a family member **but** has returned to the employer and offered to again work, but the employer does not have any work for the claimant. In this case, the claimant acknowledges he is not available for work in the near future. 871 IAC 24.26(6) does not apply in this case.

The claimant quit his employment for compelling personal reasons, but his reasons for quitting are not attributable to the employer. Therefore, he is not qualified to receive benefits as of August 19, 2012.

(If the claimant and employer have not yet made arrangements for the claimant to get his personal property that may be at the employer's business, the parties should make arrangements for this to be done.)

DECISION:

The representative's September 11, 2012 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for compelling personal reasons, but he quit for reasons that are not attributable to the employer. The claimant is disqualified from receiving unemployment insurance benefits as of August 19, 2012. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs