

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RACHID AARROUCH**  
Claimant

**APPEAL NO. 13R-UI-07948-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALLSTEEL INC**  
Employer

**OC: 09/30/12**  
**Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated October 16, 2012, reference 01, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on November 15, 2012. The claimant participated. The employer participated by Ms. Sandra Linin, Hearing Representative and witness, Ms. Emily Bennett, Human Resource Generalist. On December 4, 2012, an administrative law judge decision was issued affirming the fact-finder's decision finding that the claimant left employment without good cause attributable to the employer finding that the claimant's failure to report for work for an extended period of time without providing proper notification to the employer resulted in the employer's reasonable conclusion that the claimant had voluntarily relinquished his position with the company under disqualifying conditions. Mr. Aarrouch appealed the administrative law judge decision to the Iowa Employment Appeal Board. On February 5, 2013, the Employment Appeal Board affirmed the administrative law judge decision. Mr. Aarrouch filed an appeal to the District Court of Polk County that granted the petitioner's unresisted motion to remand the matter to hold a second hearing concerning the applicability of Iowa Code section 96.5(3)6. In compliance with the district court's order dated June 4, 2013, the Employment Appeal Board on June 20, 2013 remanded to Iowa Workforce Development Appeals Section for a second hearing concerning the applicability of Iowa Code section 96.5(1)(c) to determine the applicability of Iowa Code section 96.5(1)(c), in the event to determine "whether the return was immediate or whether the petitioner accepted work in the interim." In compliance with the Appeal Board's directive, a hearing was scheduled for and notices were sent to the parties for August 12, 2013. Although duly notified, the claimant did not respond to the notice of hearing and did not participate. The employer participated by Ms. Sandra Linin, Hearing Representative and witness, Ms. Emily Bennett.

**ISSUE:**

At issue is whether the claimant's return was immediate or whether the claimant accepted work in the interim.

**FINDINGS OF FACT:**

Based upon the claimant's failure to respond to the notice of hearing on this matter, the administrative law judge was unable to obtain any additional information from Mr. Aarouch on whether he had returned immediately after providing the care to his mother or whether the claimant had accepted work in the interim. The claimant's testimony with respect to these issues during the initial hearing in this matter were silent, however, it appears from that hearing record that the claimant's most recent medical certificate that he attempted to send to the employer was not received by the employer was dated August 20, 2012 and the first was dated June 18, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

Based upon the most recent directive from the Employment Appeal Board that "it is not contradicted in the record that the petitioner left work for the necessary and sole purpose of caring for his mother and that the petitioner did return," the administrative law judge concludes that construing the evidence in the record is favorable to the claimant, following that beneficent purposes of the law, the evidence establishes that Mr. Aarouch is not subject to a benefit disqualification because he had left employment for the necessary sole purpose of taking care of a member of his immediate family who was ill and after the family member was sufficiently recovered immediately returned and offered his services to his employer. Mr. Aarouch did not report and wage records do not show any intervening employment between the time that he left and the time he returned and offered his services to his employer.

In compliance with the directive of the Polk County District Court and the Employment Appeal Board, the administrative law judge concludes that the provisions of section 96.5(1)c are applicable and the claimant has met his burden of proof in establishing that he left employment under non-disqualifying conditions.

**DECISION:**

The representative's decision dated October 16, 2012, reference 01, is reversed. In compliance with the directive of the Polk County District Court and the Employment Appeal Board, the administrative law judge concludes that the provisions of section 96.5(1)c are applicable and the claimant has met his burden of proof in establishing that he left employment under non-disqualifying conditions.

---

Terence P. Nice  
Administrative Law Judge

---

Decision Dated and Mailed

css/css