

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID G JOHNSON
Claimant

APPEAL NO. 08A-UI-03203-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 02/24/08 R: 04
Claimant: Respondent (1)

Section 96.5(1)c – Quit/Family Illness

STATEMENT OF THE CASE:

The employer, Team Staffing, filed an appeal from a decision dated March 24, 2008, reference 01. The decision allowed benefits to the claimant, David Johnson. After due notice was issued, a hearing was held by telephone conference call on April 15, 2008. The claimant participated on his own behalf and with a witness Tammy Johnson. The employer participated by Human Resources Administrative Assistant Sarah Fiedler.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

David Johnson began employment with Team Staffing Solutions on September 27, 2006. His last assignment began on August 13, 2007, for an indefinite period of time with Ceco. On January 9, 2008, Mr. Johnson contacted Branch Manager Melissa Stiffler and said he had to end the assignment because his mother was ill. Ms. Stiffler agreed and stated he should contact the employer when he was able to return to work.

On February 4, 2008, Mr. Johnson contacted the employer and spoke with receptionist April Taylor and said he was ready, willing and able to return to work. His place at Ceco had been filled and no other work was available to him at that time. He filed a claim for unemployment benefits with an effective date of February 24, 2008.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-c 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. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

The claimant quit in order to care for a family member and properly notified the employer of this. The employer consented and instructed Mr. Johnson to notify Team Staffing Solutions when he was able to return to work, which he did. When he did notify them he was ready to return to work, none was available to him. Under the provisions of the above Code section, the claimant would not be eligible for benefits until the week ending February 10, 2008, but as he filed after that day, he is eligible beginning with the effective date of his claim.

DECISION:

The representative's decision of March 24, 2008, reference 01, is affirmed. David Johnson is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css