

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROSA I RODRIGUEZ-LOBATO
Claimant

QUILLIN'S IOWA INC
Employer

APPEAL 21A-UI-22076-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/25/21
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant, Rosa I. Rodriguez-Lobato, filed an appeal from the September 21, 2021, (reference 01) unemployment insurance decision that denied benefits based upon the determination that claimant voluntarily quit employment with the employer, Quillin's Iowa, Inc, for personal reasons. The parties were properly notified of the hearing. A telephone hearing was held on December 14, 2021. The claimant participated personally. The employer did not participate. The administrative law judge took official notice of the administrative record. CTS Language Link provided Spanish language services for the claimant.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant became employed with the employer approximately seven or eight years ago. She was employed part-time at the time of separation. She was in meat packaging.

Previously, claimant had been working full time at this employer. However, she reduced her hours in approximately October 2020 because she took another full-time job. In November 2020, that full-time job discharged claimant. When that happened, claimant could no longer afford childcare. She stopped taking hours at this employer in December 2020, though she could not remember a specific date on which she stopped working for the employer. Also in December 2020, claimant had minor surgery, though she was clear that the surgery did not cause her to quit her job.

Claimant continued to struggle to find reliable, affordable childcare thereafter, though she continued to look for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) 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.

Iowa Admin. Code r. 871—24.25(17) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(17) The claimant left because of lack of child care.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

The administrative law judge is sympathetic to claimant's situation. However, claimant ceased working at the employer because she lacked childcare. Lack of childcare is not a good-cause reason attributable to the employer for claimant's resignation. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The September 21, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



Alexis D. Rowe
Administrative Law Judge

January 19, 2022

Decision Dated and Mailed

ar/abd