

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY M KALHORN
Claimant

APPEAL NO: 13A-UI-10915-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

FIVE STAR QUALITY CARE INC
Employer

OC: 08/25/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(17) – Child Care Issue
871 IAC 24.25(37) – Resignation

STATEMENT OF THE CASE:

The claimant appealed a department decision dated September 17, 2013, reference 01, that held she voluntarily quit without good cause attributable to her employer on August 23, 2013, and benefits are denied. A telephone hearing was held on October 17, 2013. The claimant participated. Darlene Brown, HR Assistant, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant began employment on April 3, 2012 and last worked for the employer as full-time dietary manager on August 21, 2013. Claimant advised the employer she was having difficulty finding day care for five children. She used vacation to deal with the problem.

Claimant called Administrator Nelson on August 26 and stating she was resigning because she could not resolve the child care problem. The employer accepted it.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 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.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to her employer due to resignation based on child care issues on August 26, 2013.

While claimant had a good personal reason for resigning due to child care issues, it is not attributable to the employer.

DECISION:

The department decision dated September 17, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to her employer on August 26, 2013. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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