

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ARRIE DARNELL
Claimant

L A LEASING INC
Employer

APPEAL NO. 15A-UI-13292-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/08/15
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 1, 2015, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 21, 2015. Claimant participated. Employer participated by Colleen McGuinty and Julie Thill.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 2, 2015. Claimant worked on October 2, 2015, called off work with car trouble on October 5, 2015, and was a no-call/no-show on October 6, 2015. Later on October 6, 2015, claimant did call into employer to state that he was moving out of the state. Claimant's father passed away on or around October 6, 2015 and claimant traveled to Arkansas to attend to family matters. Claimant had no further contact with employer until claimant called in on October 27, 2015 stating that he was now living in Mount Pleasant, Iowa.

Claimant stated that he told employer on or around the date of his father's death that he had to go to his father's funeral. Claimant could not recall when he next spoke with employer.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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(23) 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 § 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 § 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:

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was moving out of state. Had the claimant requested some time off to attend to his father's funeral and would be returning to work in a short period of time, the administrative law judge might have a different analysis. But, as claimant did not offer that he was returning and in fact hasn't returned to the area in which he was living, the court cannot enter into that analysis.

DECISION:

The decision of the representative dated December 1, 2015, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/can