

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROMMILL D SHEPHERD**  
Claimant

**APPEAL NO. 10A-UI-09007-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 05/16/10**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed a representative's June 18, 2010 decision (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on August 10, 2010. The claimant participated in the hearing. Emily Van Etten, a personnel coordinator, and Kimberly Stokes, an assistant manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in April 2009 as a cashier. Prior to his employment separation, he worked as a customer service supervisor.

When the claimant's fiancée became ill, the claimant was responsible for taking care of their three children. Childcare was too expensive for the claimant to take his children to and he was unable to qualify for child care assistance.

The claimant asked the employer about taking an unpaid leave. The claimant was not eligible for leave because of child care issues. When the claimant's fiancée was hospitalized and he was the only person to take care of their children, he told the employer he had to quit because of child care issues. The claimant's last day of work was February 18, 2010. The claimant's fiancée was hospitalized about month. She was not released until early March 2010.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a

claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits employment without good cause when he leaves because of child care issues. 871 IAC 24.25 (17). The claimant established compelling personal reasons for quitting when his fiancée became ill and he was not eligible to take a leave of absence from work, and could not find affordable child care for his children. The claimant did not, however, establish that he quit for reasons that qualify him to receive benefits. Therefore, as of February 18, 2010, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's June 18, 2010 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for compelling personal reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of February 18, 2010. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw