

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DONALD S VAN DEE
Claimant

APPEAL NO. 06A-UI-10214-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TARGET CORPORATION
Employer

**OC: 09/17/06 R: 03
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Donald S. Van Dee (claimant) appealed a representative's October 12, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Target Corporation (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 1, 2006. The claimant participated in the hearing. Lisa Sherman, the executive human resources 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 unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in 1996. The claimant worked full-time. On February 21, 2006, the claimant requested and the employer granted the claimant a 30-day leave of absence. The claimant requested the leave of absence so he could go to Missouri and help take care of his father who had medical problems. In mid-March, the claimant asked for an extension of his leave. The claimant presented the employer with a doctor's statement indicating the claimant needed a 30-day extension on his medical leave for personal reasons. The employer agreed to extend the claimant's leave. The claimant understood the employer would only extend his leave until April 20, but the employer gave the claimant an indefinite extension, with the maximum time off to end on June 21. As of June 21, the claimant would have used 120 days of his allotted family medical leave.

Although the claimant's stepmother was available to care for his father in mid-March, the claimant needed time off for his personal medical issues until April 20. After April 20, the claimant wanted the ability to go to Missouri periodically and visit his father. Since the claimant

worked six days a week, he asked the employer for more time off. The employer informed the claimant that if he needed more time than his family medical leave gave him, he would be better off to voluntarily resign. While the employer may have told the claimant his leave of absence went to June 21, the claimant did not understand his leave of absence did not end until June 21. On May 6, the claimant submitted his resignation because he wanted the opportunity to go to Missouri to see and visit his father as he wanted. The employer did not terminate the employment relationship until June 25 or until after the claimant's family medical leave ended.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. The evidence establishes the claimant initiated his employment separation when he told the employer he was quitting.

When a claimant voluntarily quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code § 96.6-2. The law presumes a claimant voluntarily quits without good cause when he leaves employment for more than ten days for compelling personal reasons. 871 IAC 24.25(20).

When the claimant asked about more time off in mid-April or early May, he did not understand that his medical leave of absence did not officially end until June 21, 2006. Instead, the claimant heard that if he needed more time off than his the family medical leave act gave him, it would be to his advantage to quit instead of having the employer discharge him for failing to return to work after the medical leave ended. Since the claimant's stepmother cared for his father since mid-March, the claimant ultimately quit for compelling personal reasons. The claimant established good cause for quitting, but the reason he quit does not qualify him to receive unemployment insurance benefits. As of September 17, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's October 12, 2006 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for compelling personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 12, 2006. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/cs