

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BEVERLY A MANSER
Claimant

APPEAL NO. 10A-UI-00065-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRIFFIN NURSING CENTER INC
Employer

**Original Claim: 11/29/09
Claimant: Appellant (1)**

Iowa Code section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Beverly Manser filed a timely appeal from the December 24, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on February 11, 2010. Ms. Manser participated. Shayna Newman, R.N., Director of Nursing, represented the employer and presented additional testimony through Billi Williams, Assistant Director of Nursing.

ISSUE:

Whether Ms. Manser voluntarily quit for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Beverly Manser was employed by Griffin Nursing Center, Inc., in Knoxville as a full-time Certified Nursing Assistant from April 2009 until October 31, 2009, when she voluntarily quit. Ms. Manser notified the employer verbally that she would be leaving the employment and submitted a written resignation. Ms. Manser advised the employer that her last day in the employment would be October 31, 2009. The employer continued to have work available for Ms. Manser.

Ms. Manser quit the employment so that she could relocate to her home state of Louisiana to care for her ailing mother. Ms. Manser continues to provide care for her mother, who is currently in hospice.

Since leaving the employment at Griffin Nursing Center, Ms. Manser has started with another employer. On January 11, 2010, Ms. Manser started employment with We Care Homes, where she works as a part-time home health aide.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-c 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. But the individual shall not be disqualified if the department finds that:

c. The individual left employment for the necessary and sole purpose of taking care of a member of the individual's immediate family who was then injured or ill, and if after said member of the family sufficiently recovered, the individual immediately returned to and offered the individual's services to the individual's employer, provided, however, that during such period the individual did not accept any other employment.

A person who voluntarily quits employment to relocate to a new locality is presumed to have quit without good cause attributable to the employer. See 871 IAC 24.25(2).

A person who voluntarily quits due to family responsibilities or serious family needs is presumed to have quit without good cause attributable to the employer. See 871 IAC 24.25(23).

Ms. Manser voluntarily quit the employment without good cause attributable to the employer. Ms. Manser does not meet the factors set forth in Iowa Code section 96.5(1)(c) and is not eligible for benefits. Ms. Manser voluntarily quit the employment to relocate to Louisiana to care for her ailing mother, who has not recovered, but is instead in hospice. Ms. Manser continues to provide care to her mother. Ms. Manser has taken other employment since she left the employment. Ms. Manser has not returned to the employer to offer her services. Ms. Manser is not eligible for unemployment insurance benefits. Ms. Manser is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. Manser.

DECISION:

The Agency representative's December 24, 2009, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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