

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CAMILLE EASTER**  
Claimant

**APPEAL NO. 09A-UI-07404-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FEDEX KINKO'S OFFICE & PRINT SVCS**  
Employer

**Original Claim: 04/12/09**

**Claimant: Appellant (4)**

Section 96.5-1-c – Voluntary Leaving/Care of Ill or Injured Family Member

**STATEMENT OF THE CASE:**

Camille Easter (claimant) appealed a representative's May 7, 2009 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from FedEx Kinko's Office and Print Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 9, 2009. The claimant participated in the hearing. Marty Young of TALX Employer Services appeared on the employer's behalf and presented testimony from one witness, Thomas Jackson. 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 for a good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant started working for the employer on November 27, 2006. She worked full time as an assistant manager in the employer's Clive, Iowa retail center. Her last day of work was April 2, 2009. She gave notice of quitting on March 23; pursuant to that notice, she worked through April 2 and used personal and vacation days through April 7. She quit effective that date to care for her mother, who lives in Omaha and who suffers from congestive heart failure and kidney failure. The claimant's presence is needed to provide transportation for her mother's dialysis, as well as daily personal care.

The employer had discussed the possibility of the claimant simply taking a leave of absence, such as the 12 weeks allowed under FMLA (Family Medical Leave), but the claimant indicated her mother's care needs would be longer term than 12 weeks. The claimant explored transferring to a business location the employer operates in the Omaha area, and was close to getting that transfer approved, but before a final offer and agreement could be reached, the employer imposed a corporate-wide hiring freeze, so the Omaha location could not fill its position or offer the position to the claimant. As a result, the claimant determined she would simply need to quit her employment.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Where the quit is for a family member's medical or health reasons, the quit is disqualifying, at least until the family member has recovered and the claimant seeks to return to work but no work is available with the employer. Iowa Code § 96.5-1-c; 871 IAC 24.26(8).

871 IAC 24.25 provides that, 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 claimant did express her intent not to return to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless she voluntarily quit for a good cause that would not disqualify her. Iowa Code § 96.6-2.

A voluntary quit can be for good cause attributable to the employer even if the employer is free from any negligence or wrongdoing. Raffety v. Iowa Employment Security Commission, 76 N.W.2d 787 (Iowa 1956); Shontz v. IESC, 248 N.W.2d 88 (Iowa 1976). The employer is not compelled to provide the claimant a different position in a different location in order to accommodate her need to provide care for her mother. The claimant's original voluntary quit was for to take care of a member of the claimant's immediate family who was ill or injured. However, in order to make the quit for a cause attributable to the employer, the claimant must also demonstrate that after that member of the claimant's family was sufficiently recovered, the claimant immediately returned and offered to perform services to the employer but no work was available. 871 IAC 24.26(8). The claimant has not yet satisfied this burden, as her mother has not yet recovered, so the claimant is yet unable to seek to return. Benefits are denied until or unless the claimant satisfies this requirement of the statute and rule, or until she requalifies by earning ten times her weekly benefit amount in other employment.

**DECISION:**

The representative's May 7, 2009 decision (reference 01) is modified in favor of the claimant. The claimant voluntarily left her employment in order to care for an ill or injured family member but has not yet offered to return to work. As of April 7, 2009, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, or until she has offered to return to work and no work was available, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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