

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARMELITA S CHRISTIAN**  
Claimant

**APPEAL NO. 09A-UI-04956-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DEARFIELD ASSOCIATES INC**  
Employer

**OC: 02-08-09**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 17, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on April 24, 2009. The claimant did participate. The employer did not participate. While the employer had called in prior to the time of the hearing and provided names and telephone numbers for their participants when the administrative law judge called the employer to begin the hearing, none of the participants were available to participate in the hearing.

**ISSUE:**

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a clerical full time beginning August 15, 2008 through January 25, 2009 when she voluntarily quit with good cause attributable to the employer.

On January 25 the claimant was scheduled to work but called the employer at 7:30 a.m. to tell them she had a family emergency in Chicago, Illinois and would be gone from work for a period of time. The claimant took the bus to Chicago and called the employer on January 29. The claimant left repeated messages for Ann Saxton to return her calls, but Ms. Saxton did not return her calls. The claimant returned to town on February 3 and attempted to return to work for the employer but the employer would not return her telephone calls or tell her whether she would be allowed to return to work. The claimant's absence from work was less than ten days.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment with good cause attributable to the employer.

Iowa Code section 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.

871 IAC 24.25(20) 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 section 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 section 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Since claimant had compelling personal business to attend to for fewer than ten days, employer would not grant her a leave of absence, and she returned to offer her services within ten days and no work was available, the separation was with good cause attributable to the employer. Benefits are allowed.

**DECISION:**

The March 17, 2009, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs