

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERRELL L DOUGLAS**  
Claimant

**APPEAL NO: 13A-UI-07705-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MEDIACOM COMMUNICATIONS**  
Employer

**OC: 06/27/13  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(17) – Child Care/Health Issue

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated June 27, 2013 reference 01 that held he voluntarily quit employment without good cause on May 31, 2013, and benefits are denied. A telephone hearing was held on August 5, 2013. The claimant participated. The employer did not participate.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant was hired on August 15, 2011 and last worked for the employer as a full-time revenue collections/asset recovery employee on May 31, 2013. Claimant was granted personal FMLA for the week ending June 7, 2013.

On June 6, claimant requested leave from work for her daughter who was suffering from a viral infection. Day care would not take her ill daughter and she needed to stay home with her. Claimant knew the employer policy was missing work for three consecutive days without proper excuse could result in discharge. Claimant chose to quit her employment. The employer failed to respond to the hearing notice.

**REASONING AND CONCLUSIONS OF LAW:**

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(17) 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:

(17) The claimant left because of lack of child care.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on June 6, 2013 due to a child care health issue.

Claimant assumed she would be discharged for missing work while staying home with an ill child. The employer did not abuse its discretion by denying the leave from work request. While claimant had a good personal reason for quitting, it is not a good cause attributable to the employer. The claimant's need for leave was more of a child care issue rather than a medical necessity.

**DECISION:**

The department decision dated June 27, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on May 31, 2013. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs