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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 1@ Unemployment Compensation

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Chapter 5@ UNEMPLOYMENT COMPENSATION BENEFITS

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Article 1@ ELIGIBILITY AND DISQUALIFICATIONS

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Section 1256-9@ Voluntary Leaving - Good Cause - Domestic Circumstances, Generally

## **1256-9 Voluntary Leaving - Good Cause - Domestic Circumstances, Generally**

### **(a)**

This section relates to whether good cause exists for leaving most recent work due to domestic circumstances. This section deals with general principles.

Sections 1256-10, 1256-11, and 1256-12 of these regulations deal with particular factual situations involving domestic circumstances. Sections 1256-1, 1256-2, and 1256-3 of these regulations set forth general principles also applicable under this section.

### **(b)**

A claimant voluntarily leaves work with good cause based on domestic circumstances if the claimant's obligation is of a real, substantial, and compelling nature such as would cause a reasonable person genuinely desirous of retaining employment to take similar action, and the claimant's reason for leaving work is due to a legal or moral obligation relating to any of the following: (1) The health, care, or welfare of the claimant's family. (2) The exercise of parental control over the claimant who is an unemancipated minor. (3) The existing or prospective marital status of the claimant.

#### **(1)**

The health, care, or welfare of the claimant's family.

#### **(2)**

The exercise of parental control over the claimant who is an unemancipated minor.

**(3)**

The existing or prospective marital status of the claimant.

**(c)**

For purposes of this section and Sections 1256-10 to 1256-12, inclusive, of these regulations, "family," means the spouse or registered domestic partner of the claimant, or any parent, child, brother, sister, grandparent, grandchild, son-in-law, or daughter-in-law, of the claimant or of the claimant's spouse or registered domestic partner, including step, foster, and adoptive relationships, or any guardian or person with whom the claimant has assumed reciprocal rights, duties, and liabilities of a parent-child, or a grandparent-grandchild relationship, whether or not the same live in a common household. Registered Domestic Partners as defined in Family Code Section 297 are considered "family" for the purposes of unemployment insurance. COMMENTS. This section states general principles establishing "good cause" for voluntarily leaving work due to domestic reasons. It requires:(1) the existence of an obligation due to domestic circumstances; and (2) a "compelling reason" for leaving work. Several major categories are domestic circumstances, such as care of a family member who is ill or disabled, joining a spouse or registered domestic partner in another locality, leaving work to be married, and household duties. These are dealt with more specifically in Sections 1256-10 to 1256-12, inclusive, of these regulations. Such situations, however, usually are one of the following types: (1) the health, care, or welfare of the family;(2) the parent-child relationship; or(3) the marital or registered domestic partner status of the claimant. If a claimant's particular factual circumstance falls within any of these three major categories, causing the claimant to leave work out of a sense of duty to respond to the particular situation, a domestic circumstances

issue is raised. The claimant has left work with good cause, if other conditions are met. However, while the claimant's particular domestic circumstance is the basis for voluntarily leaving his or her job, the claimant must also demonstrate that his or her decision to leave work was reasonable in view of all the facts. Important considerations are that an obligation exists, that it is substantial, that the claimant took the necessary steps to preserve his or her employment, and that no reasonable alternative exists for meeting that obligation. The only exception to the requirement that no reasonable alternative exists for meeting the obligation is found in Section 1256-10. "Family" includes any person with whom the claimant has had substantially the same relationship of parent-child or grandparent-grandchild. For example, the claimant may have been raised by an aunt or uncle rather than his or her actual parents. Yet, the relationship that develops as a result of such circumstances is equivalent to that of a parent-child relationship. As such, the claimant may feel just as obligated to his or her aunt or uncle where the facts raise a domestic circumstances issue. Thus, if the claimant in such a relationship leaves work to care for an aunt or uncle as a family member who is seriously ill, the claimant has left work for "good cause" due to domestic circumstances, if other conditions are met.

**(1)**

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**(2)**

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