

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

JACLYN M. TITTSWORTH,
Appellant,

v.

**UNEMPLOYMENT APPEALS COMMISSION, and
HCA ADVERTISING, INC.,**
Appellees.

No. 4D04-3888

[November 23, 2005]

SHAHOOD, J.

Appellant, Jaclyn M. Tittsworth, was employed by HCA Advertising, Inc. for eight days as a phone representative when she quit to go to Colombia to care for a sick family member. Upon her return, the position had been filled. Appellant sought unemployment benefits.

A hearing was held, but the transcript is not in the record. The appeals referee found that while there may have been good cause for appellant's voluntary separation from employment, it was not attributable to the employer. Benefits were denied and the UAC affirmed the decision.

The UAC's order is reversed and appellant's benefits are reinstated. Illness of a family member, which amounts to a family emergency, can constitute good cause for voluntarily leaving a job under section 443.101(1)(a), Florida Statutes. *See Szniatkiewicz v. Unemployment Appeals Comm'n*, 864 So. 2d 498, 502-03 (Fla. 4th DCA 2004) (holding that family emergency exception applies when employee voluntarily leaves job due to family emergency, illness of father is family emergency, and appellant entitled to benefits even though illness is not attributable to employer); *see also Andres v. Unemployment Appeals Comm'n*, 888 So. 2d 119 (Fla. 4th DCA 2004) (noting *Szniatkiewicz* and applying family emergency where employee was forced to leave her job when her sixteen-month-old child became seriously ill).

In this appeal, the parties do not dispute that appellant's separation from employment was due to a family emergency in Colombia. Based on the foregoing, the family emergency exception applies; the UAC order is reversed and appellant's benefits are reinstated.

Reversed and Remanded.

POLEN and KLEIN, JJ., concur.

* * *

Appeal from the State of Florida, Unemployment Appeals Commission;
L.T. Case No. 04-7940.

Jaclyn M. Tittsworth, Boynton Beach, pro se.

John D. Maher, Tallahassee, for appellee Unemployment Appeals
Commission.

Not final until disposition of timely filed motion for rehearing.