

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DOBROMIR G DINKOV**

Claimant

**APPEAL NO: 15A-UI-00391-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTRAL IOWA HOSPITAL CORP**

Employer

**OC: 12/21/14**

**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.4(3) – Availability for Work

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 8, 2015 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit for reasons that do not qualify him to receive benefits. The claimant participated at the February 4, 2015 hearing. Amanda Banks, John Greene, Jeff Eyberg, Austin Smith and Ruth Eichenseer appeared on the employer's behalf. During the hearing, Claimant Exhibits A, C, D and E and Employer Exhibit One were offered and admitted as evidence. Claimant Exhibit B was offered but was not admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUES:**

Did the claimant voluntarily quit this employment for reasons that qualify him to receive benefits?

Is the claimant available for work?

**FINDINGS OF FACT:**

The claimant started working for the employer in February 2003. He worked as a full-time facility maintenance mechanic.

As a result of medical issues with his leg, in May 2014 the claimant's physician restricted him to working 24 hours a week. The employer granted the claimant FMLA. The claimant's FMLA ended in late November 2014. (Claimant Exhibit D.)

On October 28, 2014, the claimant asked the employer for a personal unpaid leave of absence for five weeks. The claimant knew his FMLA was ending in late November 2014. (Claimant Exhibit C.) When the claimant did not receive a denial or an approval for the personal leave

request, he assumed the employer granted it. He then purchased airline tickets for Europe to leave on November 24 and return on December 24, 2014. The claimant wanted to go to his son's graduation in Europe.

On November 3, 2014, the claimant's physician informed him he was restricted from working more than 24 hours a week until March 3, 2015. In mid-November, the employer denied the claimant's request for a personal unpaid leave of absence. The employer denied the claimant's request for a personal leave of absence because the employer was short staffed.

After the claimant learned his request for a personal leave of absence had been denied, he sent the employer an email on November 17, 2014, stating his last day of work would be November 21, 2014. (Employer Exhibit One.) The claimant worked until November 21, 2014.

The claimant assumed that if the employer wanted him to continue working 24 hours a week, the employer would have asked him to continue working the same number of hours he had been working or offered him part-time employment. The claimant did not ask if the employer would accommodate his continued work restriction and did not know the employer would have allowed him to work 24 hours a week after his FMLA ended in late November.

The claimant established a claim for benefits during the week of December 21, 2014. He has been looking for part time work that does not require him to walk very much. The claimant is looking for work in which he has the education to do.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant voluntarily quit when he submitted his November 17 resignation notice informing the employer his last day of work would be November 21, 2014. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant voluntarily quits without good cause when he leaves to take a vacation. 871 IAC 24.25(25). The claimant established personal reasons for quitting. Even though the claimant disagrees with the reason the employer gave him, for business reasons the employer denied his request for a personal unpaid leave of absence. While I understand why it was important for the claimant to be at his son's graduation, his reasons for resigning do not qualify him to receive benefits. As of December 21, 2014, the claimant is not qualified to receive benefits.

If the claimant's employment had been for reasons that qualify him to receive benefits, the claimant is not available for work. Iowa Code § 96.4(3). During his base period, July 1, 2013, through June 30, 2014, he primarily worked full time for the employer. As a result, he is required to look for full-time work as of December 21, 2014. By only looking for part-time employment, the claimant is unduly limiting the hours he is willing work because of his work restriction. 871 IAC 24.23(17). The claimant has not established his availability for full-time employment.

**DECISION:**

The representative's January 8, 2015 determination (reference 01) is affirmed. The claimant voluntarily quit this employment for personal reasons that do not qualify him to receive benefits. As of December 21, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/pjs