

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JANTY N OBURAK
Claimant

ABM ONSITE SERVICES MIDWEST INC
Employer

APPEAL 15A-UI-12751-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/11/15
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 10, 2015, (reference 02) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on December 7, 2015. Claimant participated through CTS Language Link Sinalese interpreter. Employer participated through area manager Shonda Smith and Marlene Sartin of Employers Edge represented the employer.

ISSUES:

Did claimant voluntarily leave the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a general cleaner and was separated from employment on October 12, 2015, when she was discharged. Her last day of work was July 24, 2015. She failed to return from her personal medical leave of absence. The medical note indicated she would be off work for six weeks. There was no further updated medical information provided. On August 1 claimant wanted to be paid for vacation time but there was no communication about returning to work. When the employer considered her to have abandoned her job more than two months after the leave began, Smith asked her to return the building access badge, which she did.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). Claimant's failure to return to work and lack of credible proof she communicated with the employer to extend the leave renders the separation job abandonment without good cause attributable to the employer.

DECISION:

The November 10, 2015, (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css