

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER JENKINS**

Claimant

**APPEAL NO: 20A-UI-11236-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EXPRESS INC OF IOWA**

Employer

**OC: 06/07/20**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 1, 2020, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on October 26, 2020. The claimant participated in the hearing. Lea Peters, Human Resources Generalist, participated in the hearing on behalf of the employer.

**ISSUE:**

The issues are whether the claimant's appeal is timely and whether she voluntarily left her 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: A disqualification decision was mailed to the claimant's last known address of record on September 1, 2020. The claimant received the decision after hours September 11, 2020. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by September 11, 2020. The appeal was not filed until September 12, 2020, which is after the date noticed on the disqualification decision. Because the claimant did not receive the decision until the evening of September 11, 2020, and immediately filed her appeal September 12, 2020, the administrative law judge finds her appeal is timely.

The claimant was employed as a full-time local driver for Heartland Express from December 1, 2017 to September 17, 2019. She voluntarily left her employment after she failed to return from a leave of absence.

The claimant requested a personal leave of absence August 30, 2019. The employer allows 15-day personal leaves of absence. If an employee is gone longer than 15 days she has to go through the rehiring process. The claimant believed she was allowed a personal leave of absence of 30 days. The claimant called the employer October 29, 2019, to ask about returning and was told she was not eligible for rehire.

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

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

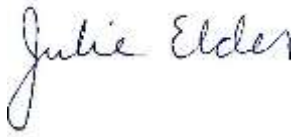
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

Per the employer's policy, the claimant was granted a 15-day leave of absence August 30, 2019. While the claimant believed the leave of absence was actually for 30 days and then she would only need to go through orientation again, she did not attempt to return to work until October 29, 2019, well beyond the 30- day period she believed she had to return. At that time the employer determined she was not eligible for rehire. Although the claimant misunderstood the employer's leave of absence policy, it was her responsibility to ask the appropriate manager or to contact human resources to insure she knew the length of the leave of absence and what would happen if she did not return on time. Under these circumstances, the administrative law judge must conclude that the claimant voluntarily left her employment without good cause attributable to the employer. Benefits are denied.

## **DECISION:**

The September 1, 2020, reference 01, decision is affirmed. The claimant's appeal is timely. The claimant voluntarily left her 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.



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Julie Elder  
Administrative Law Judge

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October 30, 2020  
Decision Dated and Mailed

je/sam

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.