

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALLEN TROXEL
Claimant

APPEAL NO: 12A-UI-13367-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE HON COMPANY
Employer

OC: 10/14/12
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Allen Troxel (claimant) appealed an unemployment insurance decision dated November 1, 2012, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with The Hon Company (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 6, 2012. The claimant participated in the hearing. The employer participated through Sarah Hall, Member and Community Relations Generalist. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time general laborer January 26, 2004 through June 20, 2012 when he voluntarily quit his employment because he felt he was unfairly questioned about leave under the Family Medical Leave Act (FMLA). For the previous three years, the claimant had been approved for and taken leave under FMLA due to his father's serious illness.

The FMLA certification letter provided by the claimant's father's physician and dated January 26, 2012 indicated the claimant would need to take one to three days at a time every six months or two times total in 2012. In addition to other days, the claimant missed work on May 7, 9, 11, 18, 21, 30 and June 1, 4 and 5. MCM Courtney Fox asked the claimant on June 6 to update his medical certification. She said, "We can't have members on FMLA taking random days off." The claimant was highly offended at the request as he believed he was entitled to take 12 weeks off work under FMLA regardless of what his medical certification indicated. His father passed away on June 14 and the claimant quit on the following week.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant quit his employment on June 20, 2012 because he was offended the employer asked for updated medical certification. He had exceeded the authorized time off under his medical certification and the employer was following standard procedure. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Florida App. 1973). The claimant's father was terminally ill and subsequently passed away. While the claimant's pain and frustration are understood, his reasons for quitting his employment cannot be attributed to the employer.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden. Benefits are denied.

DECISION:

The unemployment insurance decision dated November 1, 2012, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs