

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATTHEW P MULDER**

Claimant

**HOMES OF OAKRIDGE HUMAN SERVICES  
OAKRIDGE NEIGHBORHOOD/SERVICES**

Employer

**APPEAL NO. 10A-UI-05355-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/18/10**

**Claimant: Appellant (5)**

Section 96.5-1-d – Voluntary Quit/Non-job Related Illness  
871 IAC 24.25(35) – Non-Job Related Illness

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated March 30, 2010, reference 02, that held the claimant was discharged for excessive unexcused absenteeism on September 26, 2009, and benefits are denied. A hearing was held on May 27, 2010. The claimant did not participate. Robert Buchanan, Security Director, participated for the employer.

**ISSUE:**

Whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness, and having considered the evidence in the record, finds that: The claimant worked as a full-time security officer from November 21, 2007 to September 28, 2009. The claimant began suffering from an illness in July 2008. The claimant advised the employer in September 2009 that he could no longer work due to his illness, and he was removed from the employer work schedule on September 28.

The employer requested the claimant provide medical information, and it provided him with a short-term disability application. The employer made repeated requests for the claimant to provide medical information, but he failed to do it and he never submitted a disability application. The employer terminated the claimant's employment on March 1, 2010 for failing to provide the requested medical information.

The department issued a decision dated March 11, 2010, reference 04, that the claimant was not able and available to work effective September 29, 2009 due to his illness. The claimant did not appeal this decision. The claimant was not available when called for the hearing.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

871 IAC 24.25(35) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(35) The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- (a) Obtain the advice of a licensed and practicing physician;
- (b) Obtain certification of release for work from a licensed and practicing physician;
- (c) Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
- (d) Fully recover so that the claimant could perform all of the duties of the job.

The administrative law judge concludes that the claimant voluntarily quit without good cause attributable to the employer on September 28, 2009 due to a non-job-related illness.

The claimant was not discharged by the employer on September 28, because he discontinued the employment relationship by stating he could no longer work due to a non-job-related illness. The claimant failed to comply with the legal requisites by providing employer requested medical information and/or applying for short-term disability. The employer was lenient in allowing the claimant until March 1, 2010 to comply, but he failed to do so. The claimant did not appeal the department decision he was unable to work due to illness.

**DECISION:**

The decision of the representative dated March 30, 2010, reference 02, is modified. The claimant was not discharged, but voluntarily left due to a non-job-related illness that is without good cause attributable to the employer on September 28, 2009. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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