

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANGEL S TAYLOR
Claimant

MEDIREVV INC
Employer

APPEAL 15A-UI-08944-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/19/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 6, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on August 28, 2015 by telephone conference call. Claimant did participate and was represented by Katrina M. Phillip, attorney at law. Employer participated through Dawn Wiseman, Human Resources Manager and Amy Stammeyer, Operations Manager. Claimant's Exhibits One through Four were entered and received into the record.

ISSUES:

Did the claimant voluntarily quit her employment without 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 an accounts receivable specialist beginning on March 3, 2014 through July 23, 2015 when she voluntarily quit. The claimant was never told she had to quit, she voluntarily chose to quit to care for her autistic son.

The claimant had been specifically instructed by Ms. Stammeyer to go to human resources to ask Ms. Wiseman for Family Medical Leave Paperwork (FMLA) to fill out.

The claimant was specifically directed by Ms. Stammeyer to go to human resources and speak to Ms. Wiseman to ask for FMLA paperwork. The employer has other employees who have asked for and been approved for FMLA leave. The employer has a procedure in place to deal with FMLA and are used to providing that benefit to employees. Neither Ms. Stammeyer nor any other manager would have told the claimant she was not eligible for FMLA as that was not their decision to make.

The claimant simply chose not to make the application for FMLA. Once a claimant chooses to quit the employer was not obligated to ask them to stay. There is no doubt the claimant had some family issues to deal with. All she had to do was apply for and received FMLA have her

medical provider take her off work for the period to care for her child and she could have remained employed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment 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.

Iowa Admin. Code r. 871-24.25(20) 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 § 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 § 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:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

The claimant was specifically told to ask human resources for FMLA paperwork but chose not to do so. The employer did not force or request the claimant to quit. The claimant chose to quit for serious family and personal needs. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The August 6, 2015, (reference 01) decision is affirmed. 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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css