

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBIN L KNOCKEL**  
Claimant

**APPEAL NO. 10A-UI-02703-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**APAC CUSTOMER SERVICES OF  
IOWA LLC**  
Employer

**OC: 01/17/10**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated February 10, 2010, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 25, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked for the employer from September 19, 1995, to October 8, 2009. She worked full time until last year when she requested to work part time.

The claimant requested and was granted a leave of absence from October 8, 2009, to November 20, 2009. The leave of absence was requested because the claimant suffers from diabetes, migraines, and anxiety disorder that she believed was aggravated by stress at work that was the result of having to handle too many calls.

At the end of her leave, the claimant informed the employer that she had not yet recovered from her medical problems and assumed that the employer would be coming to pick up her equipment.

The claimant asserts that she was able to work without restrictions and was actively looking for another job. She has not contacted the employer about returning to work.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1. Under the

unemployment insurance rules, when a claimant fails to return to work after the expiration of a leave of absence, she is considered to have voluntarily quit employment. 871 IAC 24.22(2)j(2).

The unemployment insurance rules provide that a claimant is qualified to receive benefits if compelled to leave employment due to a medical condition attributable to the employment. The rules require a claimant: (1) to present competent evidence that conditions at work caused or aggravated the medical condition and made it impossible for the claimant to continue in employment due to a serious health danger and (2) to inform the employer before quitting of the work-related medical condition and that the claimant intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b.

There is no medical evidence in the record to show that the conditions at work caused or aggravated the medical condition and made it impossible for the claimant to continue in employment due to a serious health danger or that she requested any accommodation. She is not qualified for benefits under 871 IAC 24.26(6)b.

The unemployment insurance law provides that individual is qualified to receive benefits if she: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that she needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but her regular work or comparable suitable work was not available. Iowa Code § 96.5-1-d.

Likewise, the claimant is not eligible for benefits under Iowa Code § 96.5-1-d because there is no evidence that the claimant left employment because of an illness with the advice of a licensed and practicing physician or that she has offered to return to work for the employer after recovering from her illness. She is not qualified for benefits.

**DECISION:**

The unemployment insurance decision dated February 10, 2010, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/css