

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAURA L TANK**

Claimant

**APPEAL NO. 13A-UI-04125-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY**

Employer

**OC: 03/03/13**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Laura Tank filed a timely appeal from a representative's decision dated March 26, 2013, reference 02, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on May 14, 2013. The claimant participated. The employer participated by Ms. Connie Sublette, Area Supervisor.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Laura Tank was employed by Casey's Marketing Company from April 2006 until February 11, 2013 when she quit employment due to a non-work-related illness. Ms. Tank last held a position of full-time manager and was paid by salary. Her immediate supervisor was the area manager, Connie Sublette.

Ms. Tank's last day on the job with Casey's Marketing Company was November 19, 2012. The claimant at that time was under a doctor's care and informed her employer that she was not able to work. Family medical leave documents were given to Ms. Tank by the employer for the claimant to fill out and after some delay Ms. Tank did so. Ms. Tank began 12 weeks of authorized family medical leave.

After exhausting the family medical leave that was available to her, Casey's Marketing Company requested that Ms. Tank personally contact Connie Sublette before February 11, 2013, and further informed the claimant that failure to do so would cause her employment to come to an end.

Ms. Tank did not directly contact Ms. Sublette but left her a message. The claimant also contacted the management of Casey's indicating that she was not coming back and that her daughter would return Ms. Tank's store keys. The claimant's store keys were returned and the

employer reasonably concluded that Ms. Tank had chosen to relinquish her position with Casey's Marketing Company.

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

The question before the administrative law judge is whether the evidence in the record establishes the claimant left employment with good cause that was attributable to the employer. It does not.

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 24.26(6)a provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(6) Separation because of illness, injury, or pregnancy.

a. Nonemployment related separation. The claimant left because of illness, injury or pregnancy upon the advice of a licensed and practicing physician. Upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available. Recovery is defined as the ability of the claimant to perform all of the duties of the previous employment.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. 871 IAC 96.6(2).

In this matter, the evidence establishes that Ms. Tank voluntarily quit her employment with Casey's Marketing Company by telephoning a management representative of the company stating her intention to quit and by turning in her store keys to the company. Ms. Tank had been off work for an extended period of time due to a non-work-related illness or psychological issue and was unable to return to work. When the claimant was sent a notice that she must contact the area supervisor by February 11, 2013 regarding her continuing employment with the company, Ms. Tank elected to notify the employer of her intention to quit employment.

While Ms. Tank's reasons for leaving were undoubtedly good from her personal viewpoint, they were not good cause reasons attributable to the employer. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated March 26, 2013, reference 02, is affirmed. The claimant left work without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, and is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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