

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MELISSA SNYDER**  
Claimant

**CASEY'S MARKETING COMPANY**  
Employer

**APPEAL 20A-UI-10465-J1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/12/20**  
**Claimant: APPELLANT (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On August 31, 2020, the claimant filed an appeal from the August 28, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on October 14, 2020. Claimant participated. Employer participated through Christine Basham, Manager.

**ISSUE:**

Did claimant voluntary quit without good attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on January 20, 2020. Claimant last worked as a part-time cashier. Claimant was separated from employment on May 29, 2020 when she did not show up or call into work.

Claimant was absent from work on May 21, 22 ,23 and 25, 2020. Claimant brought in a doctors not on May 25 which excused her for those absence. Claimant requested a medical leave of absence from her manager. As claimant had not worked long enough claimant was not eligible for FMLA leave and no other leave program was available. Claimant was considered a No Call/No Show for May 25, 26 and 29, 2020. The employer considered claimant to have abandoned her job as of May 29, 2020.

Claimant testified that she became ill and was told by her doctor to stop working as of May 25, 2020. Claimant testified she wanted to fill out a medical leave form but was not given one by Ms. Basham. Claimant testified that she was not released to return to work until July 21, 2020. And she did not offer her services back to Casey's after she had been released to return to work. Claimant testified she still has migraines every day and does not believe she can currently work.

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

Iowa Code section 96.5(1)d provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

The claimant did not offer her services to her employer after she had been released to return to work. I find that claimant has failed to show that she had good cause attributable to her employer for quitting or leaving employment.

## **DECISION:**

### **Regular Unemployment Insurance Benefits Under State Law**

The August 28, 2020, (reference 01) unemployment insurance decision is affirmed. Benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

### **Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act**

Even though claimant is not eligible for regular unemployment insurance benefits under state law, claimant may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed. This decision does not address when claimant is eligible for PUA. For a decision on such eligibility, claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

**NOTE TO CLAIMANT:**

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information about how to apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-information>  
<https://www.iowaworkforcedevelopment.gov/Pua-application>



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James F. Elliott  
Administrative Law Judge

October 16, 2020  
Decision Dated and Mailed

je/scn