

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**BRANDY L HARP**  
Claimant

**SYSTEMS UNLIMITED INC**  
Employer

**APPEAL NO. 14A-UI-10720-GT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/07/14**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated September 30, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 4, 2014. Claimant participated. Employer participated by Jenny O'Brien, Human Resources Manager. Employer's Exhibits One through Three were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 9, 2014. Claimant requested and was granted a medical leave of absence on May 11, 2014. Claimant's leave was scheduled to expire on August 2, 2014 and claimant was scheduled to return to work on August 4, 2014.

On August 4, 2014 claimant did not return to work, and had not contacted the employer at all during the time she had been away from work. Employer attempted to contact claimant by calling her on multiple occasions, and by mail. Employer was unable to make any contact with claimant, and under employer's policy an employee must contact the employer every 30 days to communicate their intention to maintain employment. After making multiple attempts to contact claimant, and after employer had not heard back from claimant for over 30 days employer believed claimant had abandoned her job and quit.

Claimant did not contact employer because she was in treatment, and it was difficult to communicate with others during that time. Claimant did contact her mother, but no communication took place with employer during that time.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she failed to stay in contact with employer, and did not return to work after her medical leave had ended.

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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

An employer is entitled to expect its employees to report to work as scheduled or to be notified in a timely manner as to when and why the employee is unable to report to work. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer. Benefits must be denied.

**DECISION:**

The decision of the representative dated September 30, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until 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.

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Duane L. Golden  
Administrative Law Judge

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Decision Dated and Mailed

dlg/pjs