

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA K DONOHUE
Claimant

APPEAL NO. 10A-UI-02358-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS DAIRY INC – LP2
Employer

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

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Linda Donohue filed an appeal from a representative's decision dated February 4, 2010, reference 01, which denied benefits based on her separation from Wells Dairy, Inc. (Wells). After due notice was issued, a hearing was held by telephone on March 25, 2010. Ms. Donohue participated personally. The employer participated by Roxanne Clausen, Shipping/Receiving Manager, and was represented by Tom Kuiper of Talx Corporation.

ISSUE:

At issue in this matter is whether Ms. Donohue was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Donohue began working for Wells on June 4, 2000 and last performed services on November 6, 2009. At the time of separation, she was working full time as an administrative associate. She left a message for the employer on November 10 that she was not coming back but did not state a reason. The employer attempted to contact her by phone on November 11 but was unable to reach her.

When Ms. Donohue called on November 10, she was on her way to the hospital where she was admitted to a mental health unit. It was at least nine days before she had access to a telephone. She did not contact the employer because she had already called on November 10. She was released from the hospital on December 3 but was advised against returning to work activity at that time. She did not contact the employer. She lived on her own and had outpatient treatment for one hour once a week. Ms. Donohue was released to work without restrictions on January 6, 2010. She did not re-offer her services to the employer at that time because she assumed she had been fired.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge appreciates that Ms. Donohue may have lacked the mental ability to act in her own best interest on November 10. Therefore, it cannot be concluded that she had the mental ability to voluntarily quit her job on that date. However, she was well enough to be released from the hospital on December 3. She was also well enough to live on her own and only required treatment one hour each week after she was released from the hospital. She took no steps to explain her circumstances to the employer to see if she could be reinstated to her job. Nor did she contact the employer when she was released to work in January.

Given her failure to contact the employer in either December or January, the administrative law judge concludes that the separation was a voluntary quit as of December 3, 2009. Because she did not re-offer her services to the employer after she recovered from her illness, Ms. Donohue is not entitled to benefits under Iowa Code section 96.5(1)d.

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The evidence of record does not establish any good cause attributable to Wells Dairy for Ms. Donohue's separation. As such, benefits are denied.

DECISION:

The representative's decision dated February 4, 2010, reference 01, is hereby affirmed. Ms. Donohue quit her employment with Wells Dairy, Inc. for no good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs