

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBIN A KETCHUM**  
Claimant

**APPEAL NO. 08A-UI-01266-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MERCY HOSPITAL**  
Employer

**OC: 12/30/07 R: 02**  
**Claimant: Respondent (2)**

Section 96.5(1)d - Quit

**STATEMENT OF THE CASE:**

The employer, Mercy Hospital, filed an appeal from a decision dated January 30, 2008, reference 01. The decision allowed benefits to the claimant, Robin Ketchum. After due notice was issued, a hearing was held by telephone conference call on February 20, 2008. The claimant participated on her own behalf. The employer participated by Occupational Health RN Sandy Wessling and Employee Relations/Compliance Coordinator Eddy Brown. Exhibit One was admitted into the record.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Robin Ketchum was employed by Mercy Hospital from September 29, 2003 until December 31, 2007, as a full-time clinical nurse. She began a medical leave of absence on December 1, 2006, for a non-work-related medical matter.

She was sent a letter on January 23, 2007, notifying her she had used all of her available FMLA and had been given an additional 12 weeks of medical leave on short-term disability. If she was not able to return to work after that 12-week period, she could apply for long-term disability.

After that the claimant communicated exclusively with the insurance company and not with the employer. On December 6, 2007, she was sent another letter stating her employment would end December 31, 2007, as she had not provided any information from her doctor about being able to return to work. On December 28, 2007, Ms. Ketchum's doctor did release her to return to work effective January 1, 2008. The claimant made no attempt at all to contact Mercy Hospital and return to work because she assumed since she was not released until the day after the deadline, there was no work available to her. However, the employer did have positions available, although not in the same area where the claimant had worked prior to her leave of absence.

Robin Ketchum filed a claim for unemployment benefits with an effective date of December 30, 2007. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1-d 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. 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 erroneously assumed she had been fired effective December 31, 2007, because she had not provided the employer with any information about being released to return to work. However, three days prior to that date she was notified by her doctor she could return to work and made no attempt whatsoever to provide the information to Mercy Hospital in an attempt to preserve her job. There had been no communication with the employer for some months and no effort on her part to discuss her options with the human resources or other appropriate department. Under the provisions of the above Code section, the claimant did not return to the employer when released to return to work. This is a voluntary quit without good cause attributable to the employer and she is disqualified.

**DECISION:**

The representative's decision of January 30, 2008, reference 01, is reversed. Robin Ketchum is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw