

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AMANDA WIEBEL**

Claimant

**APPEAL NO: 14A-UI-05545-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BEHAVIORAL CONSULTANTS**

Employer

**OC: 03/09/14**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 16, 2014, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on June 19, 2014. The claimant participated in the hearing. Mary Allen, Owner, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time manager for Behavioral Consultants from February 18, 2012 to January 23, 2014. She was determined to have voluntarily quit her job by failing to return from maternity leave but is on an approved leave of absence.

The claimant began maternity leave January 4, 2014 and was expected to return to work March 1, 2014. When she first went on maternity leave she was going to be off for six weeks but actually planned to return prior to the end of that six-week period because she could not afford the time off work.

At the end of February or beginning of March 2014 when the claimant had been released for light-duty work, she requested a copy of the schedule and the employer sent it to her. The employer schedules in three-week blocks and the claimant received the copy of the schedule March 3, 2014. The claimant indicated to the employer she could not work immediately because she was waiting to secure childcare from the Department of Human Services (DHS). The employer stated it took the claimant off the schedule it sent her March 12, 2013 as it was still waiting to hear from the claimant that she had childcare. Later that day the employer sent the claimant a schedule showing the claimant was supposed to report for work March 20, 2014, but the claimant did not call or show up for her shift that day. The claimant stated her name was not on any of the schedules provided to her by the employer, a charge the

employer denies. The claimant texted the employer about her return to work several times but did not receive a response and never called the employer or went in to the office to find out about the status of her employment.

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

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant is on an approved leave of absence. This case will therefore be analyzed as a voluntarily leaving of employment. The claimant initiated the leave of absence because she was taking maternity leave. While the original agreement called for the claimant to return after six weeks she planned to return earlier because she could not afford to be gone that long but did not tell the employer she would be returning sooner than the six-week mark. The claimant notified the employer she could not return to work until DHS set up her childcare. While she did text the employer about her schedule, she never called the employer to speak to it directly about her situation and whether she was ready and able to return to work at any time. The employer scheduled the claimant March 20, 2014, but the claimant failed to call or show up for work that day and, again, never called the employer to discuss being scheduled to work again.

It was the claimant's responsibility to maintain contact with the employer about her return to work date and when she could begin to be scheduled after she arranged childcare with DHS. The employer continues to have work available for the claimant if she chooses to return to her position.

Under these circumstances, the administrative law judge must conclude the claimant is on an approved leave of absence and although she has been released, has childcare and is ready to return to work, she has not yet done so. The employer still has work available for the claimant at this time. Therefore, benefits are denied.

**DECISION:**

The May 16, 2014, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/can