

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ASHLEY L REINSCH**  
Claimant

**APPEAL NO: 18A-UI-05040-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA PHYSICIANS CLINIC MEDICAL**  
Employer

**OC: 04/01/18**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(1)d – Voluntary Quitting/Illness or Injury  
Iowa Admin. Code r. 871-24.25(35) – Separation Due to Illness or Injury

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 18, 2018, (reference 01) unemployment insurance decision that denied benefits based upon separation. The claimant was properly notified about the hearing. A telephone hearing was held on May 17, 2018. The claimant participated personally. The employer participated through Marian Klein, human resources. The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

Note to claimant: Additional information about food, housing, and other resources, can be found by dialing 211 or at [www.211iowa.org](http://www.211iowa.org).

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a care coordinator and was separated from employment on March 28, 2018, when she quit employment without notice. Continuing work was available.

During the claimant's final six months of employment, she began experiencing a host of illnesses, which contributed to significant absences and the claimant's approval of intermittent FMLA. At the time of separation, the claimant had been informed by her treating physician that there was a 90% chance she had lymphoma. This diagnosis was confirmed shortly after separation and the claimant is currently undergoing chemotherapy. At the time of separation, the claimant had approximately one month left of FMLA available to her.

In addition, the claimant's son, who has personal medical conditions, had been removed from daycare in the claimant's final week of employment. The claimant determined that based upon pending medical care for herself and childcare issues, as well as feeling unsupported by the employer, that she should voluntarily resign from employment.

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

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit the employment without good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.5(1) 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.

Iowa Admin. Code r. 871-24.25(17) and Iowa Admin. Code r. 871-24.25(35) provide:

**Voluntary quit without good cause.** 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(17) The claimant left because of lack of child care.

(35) The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- a. Obtain the advice of a licensed and practicing physician;
- b. Obtain certification of release for work from a licensed and practicing physician;
- c. Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
- d. Fully recover so that the claimant could perform all of the duties of the job.

The claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

The undisputed evidence is the claimant quit due to her own personal medical condition and in part due to childcare issues. At the time the claimant separated from employment, she still had one month of FMLA available to her, and continuing work was available. The administrative law judge is sympathetic to the claimant who was dealing with a serious health diagnosis at the same time her child was without reliable childcare. Based on the evidence presented, the administrative law judge concludes that while the 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 according to Iowa law. Accordingly, benefits are denied.

**DECISION:**

The April 18, 2018, (reference 01) decision is affirmed. The claimant voluntarily left the 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.

---

Jennifer L. Beckman  
Administrative Law Judge

---

Decision Dated and Mailed

jlb/scn