

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA J HURD
Claimant

APPEAL NO. 13A-UI-13402-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S RETAIL COMPANY
Employer

**OC: 11/03/13
Claimant: Appellant (1)**

Section 96.5(1)d – Quit/Medical

STATEMENT OF THE CASE:

The claimant, Lisa Hurd, filed an appeal from a decision dated November 27, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on December 30, 2013. The claimant participated on her own behalf. The employer, Casey's, participated by Manager Fran Teepe.

ISSUE:

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

FINDINGS OF FACT:

Lisa Hurd was employed by Casey's from October 14, 2012 until July 29, 2013 as a part-time cashier. In early July 2013 the claimant spoke with Manager Fran Teepe about a leave of absence. This was due to personal medical problems and her doctor had recommended she take some time off. Ms. Teepe checked with the corporate office and left a voice mail message for the claimant saying she could take time off but if she did not return to work by July 29, 2013, she would be "let go."

Ms. Hurd had not been released to return to work by her doctor by July 29, 2013, but made no effort to notify Ms. Teepe or the corporate office about an extension and did not provide any updated medical documentation.

Nothing specific occurred on July 29, 2013, and the claimant merely assumed she had been fired because she was not able to return to work. Her doctor did not release her until August 12, 2013, but she determined on her own she was not able to work until December 3, 2013.

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 quit work because she did not return to work on July 29, 2013, as instructed and made no attempt to contact the employer to extend her leave of absence. When her doctor did release her she did not contact Casey's and offer to return to work. In fact, even though she had been released by her doctor she made her own determination she was not able to work until the beginning of December 2013.

Under the provisions of the above Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The unemployment insurance decision dated November 27, 2013, reference 01. is affirmed. Lisa Hurd is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs