

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA K JUMP
Claimant

APPEAL NO. 07A-UI-05741-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC
Employer

**OC: 02/11/07 R: 01
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.28(6) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Employer filed an appeal from the May 30, 2007, reference 03, decision that granted benefits. After due notice was issued, a hearing was held by telephone conference call on June 26, 2007. The claimant did participate. The employer did participate through Jacqueline Kurtz, Human Resource Recruiter. Exhibits One and Two were admitted into evidence.

ISSUES:

The issue in this matter is whether claimant quit for good cause attributable to employer. The second issue is whether the claim was previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 18, 2007. Claimant had an off work slip for a non-work-related back injury. This doctor's note took claimant off work for 30 days. Employer told claimant that her job could not be held open but she would be eligible for rehire. Claimant then signed off on a resignation.

The prior decision of May 12, 2007, reference 02, was based on claimant's employment status as employed but on medical leave April 19, 2007. This decision, reference 03, is based on a termination of the employment relationship which happened on April 23, 2007.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer would not allow a 30-day medical leave. This is a separation for cause attributable to employer. Claimant was ordered off work for 30 days by a doctor. Claimant was not allowed by employer to stay off for 30 days. Claimant had no choice but to terminate her employment and reapply later. Benefits allowed.

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.

This claim was not previously adjudicated because the employment was severed on April 23, 2007 which is after the date noted in the decision of reference 02.

DECISION:

The decision of the representative dated May 30, 2007, reference 03, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs