

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

JERRI L BEECH  
UNIT 5203  
1770 – 92<sup>ND</sup> ST  
WEST DES MOINES IA 50266-3210

MOSAIC  
C/o TALX  
PO BOX 6007  
OMAHA NE 68106-0007

Appeal Number: 06A-UI-01667-HT  
OC: 01/15/06 R: 02  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Jerri Beech, filed an appeal from a decision dated February 1, 2006, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on February 28, 2006. The claimant participated on her own behalf. The employer, Mosaic, participated by Executive Director Carol Mau, Human Resources Manager Nancy Seel and was represented by TALX in the person of Lynn Corbeil. Exhibits One and A were admitted into the record.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jerri Beech was employed by Mosaic from May 23, 2005 until January 12, 2006. She was a full-time direct support manager.

The claimant's last day of work was December 12, 2005. She took time off from work for medical reasons and provided the employer with doctors' notes excusing her. On December 19, 2005, the employer sent the claimant a letter telling her that her leave of absence would expire on December 25, 2005, and she was expected to return to work on December 26, 2005. She was told to contact Executive Director Carol Mau to confirm her return to work. This was done because the employer was having problems contacting the claimant and needed to talk to her about her situation.

Ms. Beech did not contact Ms. Mau but did attend a meeting with her and Human Resources Manager Nancy Seel on January 3, 2006. At that time she was offered another leave of absence for 30 days. She declined and elected to resign and reserved "bridge rights" which would allow her to return to her job at her same rate of pay if she reapplied and was rehired within six months.

The claimant presented a note at the hearing dated February 24, 2006, from a physician. She was released to return to work but advised not to work at Mosaic.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

Iowa Code section 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.

The claimant elected to quit her position due to non-work-related medical problems. She did not request any accommodations from the employer regarding her work duties or hours, nor did she provide any documents from her physician imposing restrictions. A doctor's note dated February 24, 2006, maintained a doctor had told her on or about December 14, 2005, not to return to work with Mosaic, but no such documents or verbal information was ever conveyed to the employer at the time.

Ms. Beech elected to quit rather than take advantage of the employer's offer of another 30 days of leave. Her decision to quit was made before making any attempt to negotiate a return to work with modifications to her hours or duties, or even informing the employer of her medical problems. The employer was not given any opportunity to work with Ms. Beech to enable her to return to work and the administrative law judge considers the claimant's resignation to be without good cause attributable to the employer. She is disqualified.

DECISION:

The representative's decision of February 1, 2006, reference 01, is affirmed. Jerri Beech is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/tjc