

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE L SCHROEDER
Claimant

APPEAL NO: 14A-UI-09556-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HOLY SPIRIT RETIREMENT HOME
Employer

OC: 08/24/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 11 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated at the October 3 hearing. Deb Logan, the assisted living coordinator, and Dorene Becker, the human resource coordinator, appeared on the employer's behalf. During the hearing, Claimant Exhibit A and Employer Exhibit One were offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

Three years ago claimant started working as a nurse for the employer. Prior to April 30, 2014, the claimant's last day of work, she was working full time as a caretaker in the employer's assisted living department.

After the claimant's father became ill, the claimant went on a medical leave of absence, FMLA, to care for her father. The claimant contacted the employer on June 17 to let the employer know she was ready to return to work. The employer asked the claimant to come to the office on June 19 to get the hours she would be scheduled. When the claimant came to work on June 19, the claimant asked if she could work as a floater or part time instead for full time. The employer told her the employer did not have any part-time positions. Logan also understood the claimant had been diagnosed with a medical condition and she was going to see a specialist. Logan did not want the claimant to work if she was in pain and asked the claimant to let the employer know the specialist she was going to see. The employer noticed the claimant had not provided the name of her specialist by June 25.

The claimant exhausted her FMLA on July 23. She contacted the employer again on July 21. While talking to the claimant on July 21, the employer again told the claimant there were no floater positions available. The claimant told Logan she could not afford to see a specialist. Since Logan understood the claimant still experienced pain, she asked the claimant to bring the employer a doctor's statement verifying she was able to perform her job duties.

On July 24, the employer sent the claimant a letter informing her that she needed to give the employer a doctor's statement by August 1 which would state when the claimant was able to return to work. The employer also stated in the letter that if the claimant did not provide the documentation by August 1, her employment would end. (Employer Exhibit One.) When the claimant did not provide the employer with any documentation, the employer ended her employment on August 1, 2014. The claimant established a claim for benefits during the week of August 24, 2014.

On September 19, the claimant's physician wrote a letter that stated the claimant was able to return to work full time on June 13 with no restrictions. (Claimant Exhibit A.) The claimant did not provide the employer with this doctor's statement in June or in September 2014.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if a claimant voluntarily quits without good cause attributable to the employer or an employer discharges her for work-connected misconduct. Iowa Code §§ 96.5(1), (2)a.

The claimant made a point of testifying that she could not afford to go a specialist and the employer required her to see a specialist before she could return to work. The employer did not require the claimant to see a specialist. Logan asked the claimant for the name of the claimant's specialist after the claimant said she was to see a specialist. The only time the employer asked the claimant for a doctor's statement in writing was in the July 24 letter. The employer only asked for a doctor's statement verifying the claimant would return to work. The claimant's failure to provide a statement from her doctor indicates the claimant did not want to return to work full time. The claimant knew the consequence of failing to provide a doctor's statement meant she would lose her job. The claimant effectively quit or abandoned her employment when she failed to provide the doctor's statement to the employer by August 1, 2014.

When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. (Iowa Code § 96.6(2)). The claimant established personal reasons for quitting, but her reasons do not qualify her to receive benefits. Based on the reasons for her employment separation, as of August 1, 2014, the claimant is not qualified to receive benefits.

While the claimant established that she is able to work as of August 24, when she established her claim, based on her the reasons for her employment separation the claimant is not qualified to receive benefits.

DECISION:

The representative's September 11, 2014 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. As of August 1, 2014, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit

amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css