

BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319

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JENNIFER L WICKETT

Claimant,

and

WHITE OAK ESTATES INC

Employer.

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HEARING NUMBER: 09B-UI-14303

EMPLOYMENT APPEAL BOARD  
DECISION

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.5-1**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member dissenting, reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

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Elizabeth L. Seiser

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Monique F. Kuester

**DISSENTING OPINION OF JOHN A. PENO:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The claimant was a full-time certified medication assistant who went on maternity leave. The claimant indicated that she could return to work on August 19<sup>th</sup>, 2009. The employer requested a medical release from her doctor. On August 5<sup>th</sup>, the claimant's sister provided the employer with the claimant's medical release to return on August 19<sup>th</sup>. Around August 12, the claimant tried to contact the employer, but was unsuccessful in speaking with her supervisor. Although she left a message, the employer never returned her call. The employer did not participate in the hearing to refute any of the claimant's testimony. For this reason, I would conclude that the claimant did not voluntarily quit her employment, but was terminated for no disqualifying reason.

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John A. Peno