

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

CINDY L WILSON
1827 EASTMERE DR
DAVENPORT IA 52803-3526

HY-VEE INC
c/o TALK UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

TALX UC EXPRESS
3799 VILLAGE RUN DR #511
DES MOINES IA 50317

Appeal Number: 06A-UI-02485-CT
OC: 01/22/06 R: 04
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Cindy Wilson filed an appeal from a representative's decision dated February 20, 2006, reference 02, which denied benefits based on her separation from Hy-Vee, Inc. After due notice was issued, a hearing was held by telephone on March 22, 2006. Ms. Wilson participated personally. The employer participated by Tammy Bates, Personnel Manager; Sarah Lloyd, Human Resources Coordinator; and Scott James, Store Director. The employer was represented by David Williams of Talx UC Express.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Wilson began working for Hy-Vee on October 27, 2003 and last performed services on April 14, 2005. She worked from 25 to 30 hours each week as a pay station cashier. She was off work beginning April 15 for medical reasons and provided the employer with a series of notes from her doctor confirming the need to be absent. The last doctor's statement released Ms. Wilson to return to work on June 1, 2005. However, she was granted a personal leave of absence on June 4 and was to return to work on June 20. On June 27, she notified the employer that she did not know when she would be returning to work.

In August of 2005, Ms. Wilson visited with the store director and was told she could return to the employment. She did not return at that time and notified the personnel manager that she was quitting. She was not advised by a doctor to quit the employment. She again spoke to the store director at the end of October and was again told she could return. Ms. Wilson did not return at that time because she entered a treatment program for alcohol abuse on November 1 and remained in the program until December 28. She did not contact the employer after her release from treatment.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Wilson was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Wilson voluntarily quit when she felt unable to return to work following a leave of absence. She did not request an extension of the leave of absence because she did not feel one would be granted. However, she never gave the employer an opportunity to respond to a request for an extension. Although Ms. Wilson did not feel able to return to work in June and August, her continued absence was not supported by any doctor's statements. Furthermore, she was not advised by a doctor quit the employment.

Ms. Wilson had the opportunity to return to Hy-Vee after June of 2005. She did not return in late October because she entered a treatment program. However, she did not return and re-offer her services to the employer after she was released from treatment on December 28, 2005. Although she was gone from work for compelling personal reasons, the fact that she did not re-offer her services after treatment renders her ineligible for benefits pursuant to Iowa Code section 96.5(1)f.

The evidence of record does not establish any good cause attributable to the employer for Ms. Wilson's quit. Accordingly, benefits are denied pursuant to Iowa Code section 96.5(1).

DECISION:

The representative's decision dated February 20, 2006, reference 02, is hereby affirmed. Ms. Wilson voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times the weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/tjc