

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHELLE L. SVOBODA ,
Claimant

OB-GYN ASSOCIATES, PC
Employer

APPEAL 21A-UI-08434-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 1/17/21
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit
Iowa Code § 96.4 (3) – Able and Available

STATEMENT OF THE CASE:

On March 25, 2021, the Claimant filed an appeal from the March 23, 2021, (reference 01) unemployment insurance decision that denied benefits based on claimant's voluntarily quitting her employment. The parties were properly notified about the hearing. A telephone hearing was held on June 15, 2021. Claimant Michelle Svoboda participated personally. Employer participated through representative Jim Sherman.

ISSUE:

Did the claimant quit the employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on January 21, 2008. Claimant last worked as a full-time lab receptionist. Claimant was separated from employment on June 19, 2020, when resigned her employment due to health issues not attributable to her employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

Iowa Admin. Code r. 871-24.25 provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

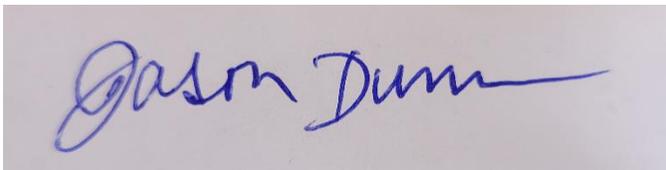
24.25(35) a-d

- (35)** The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:
- a. Obtain the advice of a licensed and practicing physician;
 - b. Obtain certification of release for work from a licensed and practicing physician;
 - c. Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
 - d. Fully recover so that the claimant could perform all of the duties of the job.

The claimant resigned her employment due to long term chronic health issues that are not attributable to her employer. Benefits are denied.

DECISION:

The March 23, 2021, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without 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 her weekly benefit amount, provided she is otherwise eligible.



Jason Dunn
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Fax (515) 478-3528

June 29, 2021
Decision Dated and Mailed

jd/lj