

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MARY E OLINCRABB**  
Claimant

**EQUIFAX INC**  
Employer

**APPEAL 19A-UI-02598-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/24/19**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On March 27, 2019 Mary E. Olincrabb (claimant) filed an appeal from the March 22, 2019, reference 01, unemployment insurance decision that denied benefits based upon the determination she voluntarily quit employment with Equifax, Inc. (employer) by failing to report to work or notify the employer for three consecutive days. The parties were properly notified about the hearing. A telephone hearing was held on April 15, 2019. The claimant participated personally. The employer did not respond to the hearing notice and did not participate. The Claimant's Exhibits A and B were admitted into the record.

**ISSUE:**

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a Research Associate beginning on July 17, 2017, and her last day worked was February 6, 2019. The claimant did not have any further contact with the employer following her shift that day until April 1.

After work on February 6, the claimant was hospitalized due to mental health impairments unrelated to her work. She was released from the hospital the following day and began outpatient treatment. The outpatient treatment required her to be present for services from 9:00 a.m. to 4:00 p.m. The claimant was released from outpatient treatment on March 15. She contacted the employer on April 1 when she asked about picking up her personal belongings. She did not request her job back.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant is separated from the employment without good cause attributable to employer. Benefits are denied.

Iowa Code section 96.5(1)d provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

...

d. The individual left employment because of illness, injury, or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury, or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Iowa Admin. Code r. 871-24.25(35) 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:

(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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). An employee's failure to return to the employer and offer services upon recovery from an injury "statutorily constitutes a voluntary quit and disqualifies an individual from

unemployment insurance benefits.” *Brockway v. Emp’t Appeal Bd.*, 469 N.W.2d 256 (Iowa Ct. App. 1991).

In this case, the claimant did not notify her employer of her absence when she was able to do so following her release from the hospital. She also did not seek reemployment once she was released from outpatient treatment. Therefore, the claimant’s separation was without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The March 22, 2019, reference 01 unemployment insurance decision is affirmed. The claimant is separated from employment without good cause attributable to employer. Benefits are withheld until such time as she works in and has been paid wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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