

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANGELA M MCCLELLAND
Claimant

MERCER HEALTH & BENEFITS ADMINIST
Employer

APPEAL NO. 14A-UI-06045-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/11/14
Claimant: Appellant (1)**

Iowa Code section 96.5-1 – Voluntary Quit
Iowa Code section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 30, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 7, 2014. Employer participated by Cheryl Rodermund, Barnette Hearing Representative. Claimant failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer. The second issue is whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 14, 2014. Claimant went off work due to medical issues. Claimant did not return the appropriate paperwork for the leave of absence. Employer sent claimant multiple letters asking her to return to work by May 15 or face termination of employment. Claimant did not return to work nor did she return the appropriate paperwork. Employer separated the employment relationship due to failure to return from a leave of absence.

Claimant went of work due to a medical condition. Claimant has not furnished evidence that she is able to work. Claimant is not able to work effective May 11, 2014.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she went off work for a medical condition and never returned. The lack of a release to return to work prevents claimant from proving that she is able to work and that she asked for her job back. This is a quit without good cause attributable to employer.

Furthermore claimant is not able and available for work effective May 11 because she has not provided a work release from her doctor.

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 Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

DECISION:

The decision of the representative dated May 30, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible. Claimant is not able and available for work effective May 11, 2014.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css