

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RHONDA STEPHENS
Claimant

TYSON FRESH MEATS INC
Employer

APPEAL NO. 16A-UI-11486-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/02/16
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 17, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 7, 2016. Claimant participated. Employer participated by Susan Pfeifer.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

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 July 19, 2016. Claimant had accumulated points necessary under the company's attendance policies to be terminated, but employer attempted to continue to work with claimant, suggesting that she get FMLA paperwork in order to avoid termination. Employer gave claimant two weeks to get the documentation filled out by a doctor.

Claimant called her doctor, and was told that her doctor could not get her in before the last date necessary to avoid termination. Claimant did not ask for a recommendation for another physician when told that she couldn't get in before the deadline. Claimant did not ask to be contacted by the doctor's office if any cancellations were to occur within the two weeks prior to her termination. Instead, claimant contacted employer and put in her termination on July 20, 2016.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

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 could not get into the doctor's office prior to the date when claimant was to have her FMLA paperwork returned to her employer. Employer attempted to allow claimant extra time to get paperwork completed so as to avoid termination, but claimant chose not to pursue available options to try to complete this task. Such actions do not constitute employer forcing claimant to quit.

DECISION:

The decision of the representative dated October 17, 2016, 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.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs