

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RANDALL B HOLCOMB Claimant AMERICAN GAMES INC Employer	68-0157 (9-06) - 3091078 - EI APPEAL NO. 07A-UI-02442-MT ADMINISTRATIVE LAW JUDGE DECISION OC: 01/21/07 R: 01 Claimant: Appellant (1)
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Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 28, 2007, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 27, 2007. Claimant participated with witnesses Lisa Oliver and Jennifer Paige. Employer participated by Alyce Smolsky, Hearing Representative, TALX with witness Kari Hockemeier, Human Resources Manager. Exhibit One was admitted into evidence.

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 August 7, 2006. Claimant suffered an on-the-job knee injury. Claimant suffered an off-the-job wrist injury caused by the on-the-job knee injury. The wrist injury was a sequela of the work-related knee injury. Claimant reported the knee injury to employer immediately but did not ask for worker's compensation. Claimant did not keep the employer informed of the need to be off work. Claimant recovered from his injuries December 27, 2006, but did not return to ask for his job back.

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 of two injuries. Claimant failed to return and ask for his job back after recovery. This is a quit without cause attributable to employer due to the failure to ask for further employment upon recovery.

Iowa Code section 96.5-1-d 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. 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.

DECISION:

The decision of the representative dated February 28, 2007, 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.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css