

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JOANN M VANDER PLAATS
Claimant

APPEAL NO. 08A-UI-11708-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMM DAY CARE CTR-PRE-SCHOOL INC
Employer

**OC: 11/09/08 R: 01
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 8, 2008, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 30, 2008. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Tresa Chester participated in the hearing on behalf of the employer.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked full time as a cook for the employer from June 17, 1997, to December 14, 2007. The claimant suffered a stroke and heart attack and was on medical leave.

On February 10, 2008, the claimant was released to return to work by the doctor. She was put back on the schedule to work and notified that she could return starting February 18, 2008. The claimant notified the employer that she was still having problems with her eyes and was not able to drive. She told the employer that she wanted to be taken off the schedule. The employer took the claimant off the schedule as she requested. Since that time, the claimant has not contacted the employer about returning to work.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment 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.

The claimant informed the employer that she wanted to be taken off the schedule due to a medical problem not caused or aggravated by her work. She had never contacted the employer since to offer to return to work. At the point that she asked to be taken off the schedule, she had been released to return to work by a doctor. She voluntarily quit employment without good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated December 8, 2008, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs