

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MONICA M STRINGFELLOW
Claimant

PRIES ENTERPRISES INC
Employer

APPEAL 20A-UI-09343-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 4/12/20
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On August 5, 2020, the claimant filed an appeal from the July 30, 2020, (reference 01) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on September 16, 2020. Claimant participated. Employer participated through Angela Helmrichs, Human Resources and Safety Manager. Exhibit A, the March 11, 2020 letter from claimant's doctor, was admitted into the record.

ISSUE:

Did claimant have good cause attributable to the employer for quitting employment?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in July, 2019. Claimant last worked full-time in the Packing Department. Claimant was separated from employment on December 3, 2020 when she took an approved FMLA leave to have surgery on her foot. Twelve weeks of FMLA leave expired in February 2020. Claimant had this surgery on December 3, 2019. Due to complications, claimant had a second surgery on February 3, 2002. Claimant's treating physician took claimant off work. (Ex. A) The employer stopped paying any type of sick or disability pay in March and attempted to contact claimant concerning when she would return to work. When the employer did not receive a response the employer terminated claimant as of April 8, 2020. Claimant filed for unemployment after she stopped receiving payment from her employer. The claimant testified she enjoyed working for Pries Enterprises and Ms. Helmrichs testified claimant was an excellent employee.

REASONING AND CONCLUSIONS OF LAW:

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a.

The claimant left work on December 2, 2019 with an approved FMLA leave. The FMLA leave expired. The claimant continued to be unable to work and did not communicate with her employer in April 2020. Claimant has not offered to return to service for her employer.

Iowa Admin. Code r. 871-24.26(6)a provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(6) Separation because of illness, injury, or pregnancy.

a. Nonemployment related separation. The claimant left because of illness, injury or pregnancy upon the advice of a licensed and practicing physician. Upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available. Recovery is defined as the ability of the claimant to perform all of the duties of the previous employment.

While the claimant had a good personal reason for not working, her reason is not considered attributable to her employer. Under the above cited rule claimant's leaving employment is without good cause attributable to the employer.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 30, 2020, (reference 01) unemployment insurance decision is affirmed. Benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided claimant is otherwise eligible.

Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act

Even though claimant is not eligible for regular unemployment insurance benefits under state law, claimant may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed. This decision does not address when claimant is eligible for PUA. For a decision on such eligibility, claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information about how to apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-informatio>

<https://www.iowaworkforcedevelopment.gov/Pua-application>



James F. Elliott
Administrative Law Judge

September 22, 2020
Decision Dated and Mailed

je/sam