

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE C BLACK
Claimant

APPEAL NO. 13A-UI-12350-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REM IOWA COMMUNITY SERVICES INC
Employer

OC: 10/06/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated November 1, 2013, reference 02, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on November 26, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Anthony Adams. Dione Glenn participated in the hearing on behalf of the employer with a witness, Loren Noelle.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked full time for the employer as a direct service provider from October 2, 2012, to September 4, 2013.

After September 4, 2013, the claimant was off work due to a non-work-related illness. She initially was on a leave of absence through September 9 but later informed the employer that her doctor had taken her off work until September 16.

The program coordinator tried calling the claimant on September 11 and 16 to find out whether the claimant was coming back to work so she could prepare the schedule. She had to leave messages for the claimant. The claimant did not return the messages because she did not know if she could handle returning to work.

The claimant saw her doctor again on September 20 and told the doctor that she did not think she could handle the physical demands of caring for some of the clients. The doctor agreed. She informed the program coordinator around September 21 that she could not keep up with the clients and was going to have to resign.

The claimant resigned because she did not think she could handle the physical demands of caring for some of the clients and was upset that the employer was asking her when she could come back to work while she was still on leave.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant contends that the messages left by the program coordinator were asking her to resign. Even based on the claimant's own testimony it is clear that the program coordinator was asked for the claimant's status so she could figure out the schedule. This was an entirely reasonable request and in no way was a demand that the claimant resign.

The unemployment insurance law provides that individual is qualified to receive benefits if he: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that he needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but her regular work or comparable suitable work was not available. Iowa Code § 96.5-1-d.

The claimant left work in part due to a non-work-related medical problem. She has not satisfied the requirements of Iowa Code § 96.5-1-d and is ineligible for benefits.

DECISION:

The unemployment insurance decision dated November 1, 2013, reference 02, 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