

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

NICOLE J KEATE
Claimant

ADVANCE SERVICES INC
Employer

APPEAL NO. 17A-UI-05990-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/21/17
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 8, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 26, 2017. Claimant participated. Employer participated by Renee Hoyt and Melissa Lewien. Employer's Exhibits 1-3 were 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 April 29, 2017. Claimant quit work on April 29, 2017 as a result of a complicated pregnancy.

Claimant told employer of the pregnancy complications she was suffering early in 2017. Claimant didn't wish to end her employment, but she was going to have to be off of work to have her child. Her child was scheduled to be born on or around May 20, 2017. Employer did not give claimant any guidance towards filing FMLA paperwork, or requesting leave. Instead, employer told claimant that she'd have to quit. As a result, claimant didn't believe she had any options but to quit her job to have her child. Claimant alerted her job placement with Cardinal Glass that she was quitting her work. Claimant quit on April 29, 2017. She went into the hospital soon thereafter and had her child on May 5, 2017 by cesarian section. Claimant has not been released to date to return to any work without restrictions.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because her employer did not allow claimant to file for a pregnancy leave or FMLA although claimant had requested leave for her difficult pregnancy and had worked for over a year for employer as a full time employee. It was employer's denial of claimant's desire to get a

leave of absence or FMLA that led to claimant's quit. Therefore claimant's quit was with good cause attributable to employer's lack of willingness to pursue a leave.

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.

DECISION:

The decision of the representative dated June 8, 2017, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn