

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENISE M WYATT

Claimant

APPEAL NO. 07A-UI-03138-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACCESS DIRECT TELEMARKETING INC

Employer

**OC: 02/25/07 R: 02
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jenise Wyatt filed an appeal from a representative's decision dated March 20, 2007, reference 01, which denied benefits based on her separation from Access Direct Telemarketing, Inc. (Access) After due notice was issued, a hearing was held by telephone on April 18, 2007. Ms. Wyatt participated personally. The employer participated by Brian Luse, Program Manager, and was represented by Ted Arndt of TALX Corporation. Exhibits One, Two, and Three were admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Ms. Wyatt was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Wyatt began working for Access on February 20, 2006 as a full-time telephone sales representative. On September 5, she was granted a medical leave of absence. She returned to work on October 9 and worked until approximately December 14 when she became ill again. She did not request a second leave of absence. Ms. Wyatt returned to work on December 27. She called her supervisor on December 28 to report that she would not be at work due to illness. She did not indicate how long she would be off work. She did not request a leave of absence to cover her time off. She was off work because she was experiencing headaches.

When the employer had not heard further from Ms. Wyatt, the decision was made to remove her from payroll on January 29. About two days later, she called and indicated she was ready to return to work. Because steps had not actually been taken to remove her from payroll, she was told she could return to work. She was told she would need a doctor's statement releasing her as able to work. Ms. Wyatt never returned with a doctor's statement. She had not seen a doctor while off between December 28 and January 29. The employer would have returned her to her former job had she provided a doctor's statement that she was able to work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes from all of the evidence that Ms. Wyatt abandoned her job when she stopped reporting for available work. Although she called her supervisor on December 28, she gave no indication as to how long she anticipated being gone. Ms. Wyatt knew or should have known from her prior leave of absence that an extended period of absence would require an approved leave. She was gone for over a month without calling the employer regarding her intentions. She also failed to return to work after being told on or about January 29 that she could return but would need a doctor's release. Based on the foregoing, the administrative law judge concludes that the separation was a voluntary quit.

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The evidence of record does not establish any cause attributable to Access for Ms. Wyatt's failure to continue working for the company. The employer was willing to provide her with employment in spite of the fact that she had been gone for over one month without calling in. Ms. Wyatt failed to provide the employer with a doctor's statement after January 29 releasing her to return to work. For the reasons stated herein, it is concluded that the separation was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated March 20, 2007, reference 01, is hereby affirmed. Ms. Wyatt quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css