

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MARTHA M MORROW**  
Claimant

**GENESIS HEALTH SYSTEM**  
Employer

**APPEAL NO. 14A-UI-04437-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/30/14  
Claimant: Appellant (2)**

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Iowa Code § 96.5-1 – Voluntary Quit  
Iowa Code § 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated April 16, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 19, 2014. Claimant participated. Employer participated by Cynthia Richardson, Human Resource Associate. Exhibits One through Seven and A were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer. The issue in this matter is whether claimant is able and available for work.

**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 16, 2014. Claimant went on FMLA due to a work-related injury. Claimant over extended the 24 weeks of leave offered by employer's policy effective August 10, 2013. Employer terminated claimant's employment pursuant to policy while claimant was still receiving care for the work injuries.

Claimant was released to return to work November 25, 2013. Claimant is able and available for full-time work in jobs for which she has prior training and experience.

**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 employer terminated the employment relationship because claimant over extended the leave policy. Since claimant was still in a healing period when the employment ended, this is a separation for good cause attributable to employer. Benefits allowed.

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.

Claimant is able and available for work as she can perform full-time work in jobs for which she has prior training and experience.

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

**DECISION:**

The decision of the representative dated April 16, 2014, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. Claimant is able and available for work effective March 30, 2014.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/css