

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SARAH M CASTRO-AGUIRRE
Claimant

APPEAL NO. 12A-UI-12740-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PARAGON SOLUTIONS INC
Employer

OC: 09/23/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 10, 2012, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 27, 2012. Claimant participated. Employer participated by Mary Phillips, Senior Vice President Human Resources; Tempest Nelson, Human Resource Specialist; Sabrina Lowery, Manager Operations; and Cassandra Schmidt, Supervisor of Operations. Exhibits A and One 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 May 30, 2012. Claimant went off on medical leave with a return to work date of July 31, 2012. Claimant called employer and told them that she had encountered a medical condition that would require more time off work. Employer demanded supporting medical documentation for additional time off work. Claimant did not supply the documentation. After ten days employer deemed claimant to have quit. Employer sent claimant a termination notice. Claimant failed to respond to the termination notice. Claimant did not ask for her job back.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she failed to return from a leave of absence. Claimant had an obligation to provide medical documentation to employer and keep them informed of her availability for work. Claimant failed to keep employer informed of her availability. This is job abandonment and a quit without good cause attributable to employer.

Iowa Code section 96.5-1-d 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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

DECISION:

The decision of the representative dated October 10, 2012, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css