

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SARA M LECLERE
Claimant

APPEAL NO. 11A-EUCU-00747-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 12/06/09
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated September 22, 2011, reference 02, that concluded the claimant's separation from work was not disqualifying. A telephone hearing was held on October 20, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Chad Baker participated in the hearing on behalf of the employer with a witness, Scarlet Linn. Exhibits A and B were admitted into evidence at the hearing.

ISSUE:

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

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. She worked on a full-time assignment as a telephone representative for Vangent from May 9, 2011, to June 23, 2011.

The claimant was hospitalized from June 24, 2011, to August 15, 2001. She notified the employer that she was going to the doctor that day to try and resolve some health problems. After she was in the hospital, she called an account manager with the employer and told her about the hospitalization and that she did not know when she would be able to work. The account manager said she would contact Vangent but was not sure Vangent would hold her job for her. The account manager told the claimant to contact her when she got out of the hospital.

After being released from the hospital without restrictions on August 15, the claimant contacted the account manager on August 19 and informed her that she was available for work. The account manager informed the claimant that there was no work available at that time, but to continue to call in. The claimant has continued to call in on a weekly basis, but the employer has not had any work available.

The employer's account is not presently chargeable for benefits paid to the claimant, since it is not a base period employer on the claim.

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 unemployment insurance law provides that individual is qualified to receive benefits if she: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that she 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 has satisfied all the conditions of Iowa Code § 96.5-1-d and is qualified for benefits based on the reasons for her separation from work.

The next issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3. The claimant is able to and available for work. She was released to work by her doctor without restrictions, has kept in regular contact with the employer about work, and is looking for suitable work.

The employer's account is not presently chargeable for benefits paid to the claimant, since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

DECISION:

The unemployment insurance decision dated September 22, 2011, reference 02, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw