

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRENDAN R GROHARING
Claimant

APPEAL NO. 10A-UI-04430-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PER MAR SECURITY & RESEARCH CORP
Employer

OC: 02/14/10
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Brendan Groharing, filed an appeal from a decision dated March 10, 2010, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 5, 2010. The claimant participated on his own behalf. The employer, Per Mar Security, participated by Human Resources Specialist Gretchen Goettig and Human Resources Generalist Heather Rusch. .

ISSUE:

The issue is whether the claimant quit with good cause attributable to the employer.

FINDINGS OF FACT:

Brendan Groharing was employed by Per Mar from September 1, 2009 until February 4, 2010, as a full-time security officer. On January 4, 2010, he contacted Dispatcher Sylvia Gunter and said he would be absent due to a non-work-related back problem the next day. He provided a doctor's note on January 5, 2010, excusing him from work until January 12, 2010. On January 12, 2010, he provided another doctor's note excusing him until January 26, 2010.

On January 28, 2010, Human Resources Generalist Heather Rusch sent him a letter stating he did not qualify for FMLA as he had not worked for Per Mar a sufficient amount of time. The letter further advised him he was granted 30-days leave of absence under the employer's own policy. The leave of absence would end February 2, 2010. Mr. Groharing called Human Resources Specialist Gretchen Goettig on January 29, 2010, after he received the letter. They discussed his status. Ms. Goetting said he needed a doctor's excuse to cover any absences after January 26, 2010, and he said he had a doctor's appointment, either January 30 or February 1, 2010, the accounts differed. The employer told him to contact her immediately after the doctor's appointment.

The claimant did not go to the doctor as scheduled because there was a problem with his insurance and he did not call because he lost his cell phone. Ms. Rusch sent another letter on February 10, 2010, saying he must contact the employer by February 17, 2010, because his

leave had ended February 2, 2010. He called on February 10, 2010, and talked with Ms. Goettig and explained about losing his phone, and not going to the doctor. He was again told to get a doctor's excuse and he said he would "try." On February 15, 2010, he called again and said he was starting physical therapy for a week and did not know for sure when he would return to work. He was told to get a doctor's note by February 17, 2010. He did not do so and was considered a voluntary quit.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

The claimant was granted a leave of absence by the employer with the understanding it would end February 2, 2010. He did not keep the employer apprised in a timely manner of his medical situation or provide doctor's notes to cover all the absences. His excuse that he did not have a phone is specious. Plenty of phones exist in the world for him to have made regular calls as required. Fifteen days after the leave of absence had expired he still did not have the appropriate medical documentation to excuse his absences and he did not return to work. The administrative law judge considers him to have been a voluntary quit without good cause attributable to the employer by failing to return to work, provide a doctor's excuse or contact the employer in a timely manner.

DECISION:

The representative's decision of March 10, 2010, reference 01, is affirmed. Brendan Groharing is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css