

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEREMY L KELLY

Claimant

APPEAL 17O-UI-03002-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA

Employer

OC: 12/18/16

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 9, 2017 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit due to a non-work-related illness or injury. The administrative law judge issued a decision dated February 6, 2017, that denied benefits based on a determination that claimant separated from his employment without good cause attributable to the employer. This decision was appealed to the Employment Appeal Board (EAB). On March 14, 2017, the EAB issued a decision remanding the matter for further development of the record. Specifically, the EAB stated the record did not establish when claimant began his short-term disability leave or the date on which the short-term disability leave ended. After the EAB remanded, due notice was issued, a hearing was scheduled to be held on April 17, 2017. The claimant, Jeremy Kelly, participated in the hearing. The employer, Wells Fargo Bank, N.A., participated in the hearing through witness Dena Miller, Customer Service Supervisor; and hearing representative Alyce Smolsky.. Because the EAB did not vacate the original appeal decision 17A-UI-00423-LJ-T, that hearing record, including any exhibits, is adopted and incorporated herein. No additional exhibits were offered.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's findings of fact in appeal 17A-UI-00423-LJ-T is hereby adopted and incorporated herein as the findings of fact for appeal 17O-UI-03002-LJ-T.

This decision adds: Claimant's short-term disability leave commenced on July 11, 2016. He was initially approved for leave through September 11, 2016. In October, claimant was granted an extension and had approved short-term disability leave through October 16, 2016. On

November 14, Miller spoke with Liberty and learned that claimant was approved to return to work. Miller spoke with claimant on November 18 and confirmed that claimant's most recent request for an extension of his short-term disability leave was denied. Miller told claimant she believed he had fifteen days to appeal, and claimant responded that he believed he had 180 days to appeal. Miller advised claimant to speak to Liberty.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's reasoning and conclusions of law in appeal 17A-UI-00423-LJ-T is hereby adopted and incorporated herein as the reasoning and conclusions of law for appeal 17O-UI-03002-LJ-T.

DECISION:

Inasmuch as the decision was not vacated as a result of the Employment Appeal Board remand, the administrative law judge's decision in appeal 17A-UI-00423-LJ-T is hereby adopted and incorporated herein as the decision for appeal 17O-UI-03002-LJ-T. Benefits are withheld until such time as the claimant works in and has been paid wages equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed