

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

LORI L WILLIAMS
519 HIGH ST
KEOKUK IA 52632

KEOKUK AREA HOSPITAL
c/o TALX UCM SERVICES
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-06129-HT
OC: 05/15/05 R: 04
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) - Quit

STATEMENT OF THE CASE:

The claimant, Lori Williams, filed an appeal from a decision dated June 3, 2005, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 28, 2005. The claimant participated on her own behalf and with witness Pat Palmer. The employer, Keokuk Area Hospital (KAH), participated by Support Service Coordinator Denise Kemper, Nurse Manager Keela Ernst and Employment Manager Louise Skow.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Lori Williams was employed by KAH from January 26, 2002 until May 10, 2005. She was a full-time certified nursing assistant.

On May 6, 2005, Ms. Williams left a written request for a personal leave of absence on the desk of Nurse Manager Keela Ernst. The request was for time off for the rest of May and all of June 2005. Ms. Ernst did not receive the request until Monday, May 9, 2005, and discussed it with the claimant that day. The claimant only said she had had a change in personal circumstances and had "too much to do" and needed the time off.

Due to the high census of patients the request could not be granted, but Ms. Ernst did say she would work with Ms. Williams whenever the census was low to give her the time off. The claimant seemed agreeable with that but the next day she called Support Services Coordinator Denise Kemper and said she was not coming to work that day, but she was not sick, just had "too many things to do." When asked if she would be in the next day Ms. Williams said no, and then Ms. Kemper asked if she was quitting at which time she said yes.

The claimant only requested a personal leave of absence, and did not request medical leave. At no time did she discuss with her manager or the human resources department about taking medical leave or, indeed, discuss any health problems she might be having.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

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 quit because the employer would not grant her request for two months off as a personal leave of absence. Although Ms. Williams now asserts her real reason for the request was medical, there is no evidence of any health problems which has been presented. Ms. Williams did not make any effort to inform the employer of any health problems, nor did she seek to find out what her options were for taking medical leave. The record therefore only establishes she quit when her request for personal time off was denied. This does not constitute good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of June 3, 2005, reference 01, is affirmed. Lori Williams is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

bgh/sc