

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AARON A WALLING
Claimant

APPEAL NO. 14A-UI-03160-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MEDLINE INDUSTRIES INC
Employer

OC: 02/23/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated March 17, 2014, reference 01, which denied unemployment insurance benefits finding the claimant voluntarily quit work for personal reasons. After due notice was provided, a telephone hearing was held on April 15, 2014. Claimant participated. The employer participated by Ms. Jocelyn Moore, Human Resource Director.

ISSUE:

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

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Aaron Walling was employed by Medline Industries, Inc. from June 20, 2005 until January 10, 2014 when he voluntarily left employment. Mr. Walling was employed as a full-time inside sales representative and was paid by commission. His immediate supervisor was Rhonda Baliss.

Mr. Walling left his employment with Medline Industries, Inc. in order to enter a long-term inpatient rehabilitation program in another state. Prior to leaving employment Mr. Walling discussed the matter with his supervisor and with Ms. Johnson in the company's Human Resource Department. Because the employer initially believed that Mr. Walling's intention was to enter the rehabilitation program, the employer suggested that the claimant might consider filling out Family Medical Leave papers before entering treatment. On December 10, 2013, Mr. Walling submitted his resignation to his immediate supervisor and to a number of management individuals in the company. In the resignation letter and in the e:mail Mr. Walling specifically stated that he was leaving the company, bid employees goodbye and stated the last day of his employment as January 10, 2014.

Upon receiving the claimant's resignation and the general e-mails sent by Mr. Walling, the claimant's supervisor and the company's personnel department reasonably concluded that Mr. Walling was resigning at that time and was electing not to have the company keep his job position open for him. At that point the claimant's resignation from employment was accepted by the employer.

After remaining in inpatient treatment for approximately 24 hours, Mr. Walling decided to leave the inpatient treatment and to attempt outpatient counseling. The claimant contacted Medline Industries asking to return to work. Because the employer had concluded that the claimant had previously resigned and his resignation had been accepted, the matter of the claimant's re-hiring was considered by the employer. A number of company management individuals met with Mr. Walling to discuss the possibility of him being re-hired by the company, however, the employer decided not to re-hire the claimant.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that Mr. Walling voluntarily left his employment with good cause attributable to the employer. It does not.

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.

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Walling left his job with Medline Industries because of personal issues that he believed could best be resolved by entering a long-term treatment program in another state. Although the employer was initially willing to consider placing Mr. Walling on a medical leave of absence under the provisions of the Family Medical Leave Act, Mr. Walling specifically stated to company management and other employees that he was quitting his employment to enter the rehabilitation program. After entering the rehabilitation program for one day, Mr. Walling concluded that entering the inpatient long-term program was not compelling and that he could derive the same or similar benefit from local outpatient counseling. Although the claimant later attempted to be re-hired by the company, the employer made a management decision not to re-hire the claimant.

The administrative law judge concludes that Mr. Walling severed the employment relationship by specifically informing the employer and other workers that he was quitting his job and the claimant's reason for leaving was not for compelling personal reasons because the claimant concluded after one day that the treatment that he felt he needed could be received locally on an outpatient basis. Because the claimant has not met his burden of proof in establishing his leaving was with good cause attributable to the employer, unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated March 17, 2014, reference 01, is affirmed. Claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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