

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

QUINTON A GARRETT
Claimant

HY-VEE INC
Employer

APPEAL 20A-UI-11739-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/24/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On August 31, 2020, the claimant filed an appeal from the August 27, 2020, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 20, 2020. Claimant participated. Employer participated through district human resource manager Lacy Rumsey and was represented by Barbara Buss. Claimant's Exhibit A was admitted into the record.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on February 2, 2020. Claimant last worked as a part-time night stocker. Claimant was separated from employment on April 30, 2020, when he resigned by abandoning the job.

Claimant had a panic attack on his last night of work. Claimant was experiencing medical issues that were not related to work. Claimant's supervisor let him leave work early. He never returned to work. Claimant did not request a leave of absence and has not returned to employer to request his job back.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.
- 2.

Iowa Code section 96.5(1)d provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

In this case, claimant resigned because of a medical issue. Claimant did not notify employer that he needed the absence and he has not returned to the employer to offer his services. Therefore, he has not established he resigned for a good cause reason attributable to employer.

DECISION:

The August 27, 2020, (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Christine A. Louis
Administrative Law Judge
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October 22, 2020
Decision Dated and Mailed

cal/sam