

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

TIASAN HARDY
Claimant

APPEAL NO: 19A-UI-02807-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BANK OF AMERICA NA
Employer

OC: 03/03/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 28, 2019, (reference 01) unemployment insurance decision that denied benefits based upon her separation. A first hearing was scheduled on April 23, 2019 but not conducted. It was rescheduled at the administrative law judge's motion.

The parties were properly notified about the hearing. A telephone hearing was held on May 13, 2019. The claimant participated personally. The employer participated through Benjamin Cox, market leader. Zach Knight testified and Laura Jones attended an observer.

The administrative law judge took official notice of the administrative records including the fact-finding documents. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a client relationship manager and was separated from employment on October 24, 2018, when she quit to return after a personal leave of absence. Continuing work was available.

The claimant began employment in 2011. On February 20, 2018, the claimant began a leave of absence. The reason for the leave of absence is disputed; the employer stated it had been told it was related to a muscular issue involving the claimant's arm. The claimant stated it was due to mental health. No doctor's notes or medical documentation were provided by the claimant for the hearing, and the claimant's treating physician did not advise she quit the employment.

In August, the claimant attempted to return to work with restrictions that limited her to working four hours a day. Upon consideration, the employer declined to accommodate the restrictions.

The claimant presented no evidence of any restrictions effective October 24, 2018 but stated she had been given one with a reduced goal commitment. The employer declined knowing of or receiving any documentation to support any such accommodation. Prior to the claimant's scheduled return date around October 24, 2018, the claimant did not discuss what her hours or goals would be upon return. She simply decided she could not return to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation from the employment was without good cause attributable to the employer.

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. They remain disqualified until such time as they requalify for benefits by working and earning insured wages ten times their weekly benefit amount. *Id.*

The claimant has the burden of proof to establish she quit for good cause attributable to the employer. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. 871 IAC 24.25. "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

Iowa Admin. Code r. 871-24.22(2)j(1)(2)(3) provides:

Benefit eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

j. Leave of absence. A leave of absence negotiated with the consent of both parties, employer and employee, is deemed a period of voluntary unemployment for the employee-individual, and the individual is considered ineligible for benefits for the period.

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee-individual, the individual is considered laid off and eligible for benefits.

(2) If the employee-individual fails to return at the end of the leave of absence and subsequently becomes unemployed the individual is considered as having voluntarily quit and therefore is ineligible for benefits.

(3) The period or term of a leave of absence may be extended, but only if there is evidence that both parties have voluntarily agreed. (Emphasis added)

The undisputed evidence is the claimant voluntarily quit the employment when she failed to return from an approved leave of absence. The administrative law judge is sympathetic to the claimant's health issues but no competent, medical documentation was provided to the employer or at the hearing that corroborated the claimant was advised by a medical professional to resign from her position or that her personal condition was aggravated by her work conditions. Therefore, based on the evidence presented, the administrative law judge

concludes, the claimant's reasons for quitting were personally compelling, but not for a good cause reason under Iowa law. Benefits are withheld.

DECISION:

The March 28, 2019, (reference 01) decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/scn