

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ALEX R MARES**  
Claimant

**BLAZIN WINGS INC**  
Employer

**APPEAL NO. 17A-UI-11733-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/23/17  
Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated November 7, 2017, reference 05, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 6, 2017. Claimant participated. Employer participated by hearing representative Jackie Boudreaux and witness Tim Anderson.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on July 23, 2017. Claimant was injured in an accident that was not job related and hasn't been able to work since that date.

Claimant sent a letter to employer on or around October 19, 2017. Said letter stated claimant was resigning from his position. Claimant was on a leave for three months. After that period of time, claimant stated that employer required that he return to work within the next three months. As claimant didn't believe that he'd be healed enough in three months to return to work, claimant submitted his letter of resignation in October.

Claimant admitted he still has not been physically able and available for work.

Employer found claimant to be an excellent employee, but did not believe that company had a policy that a person will be fired three months after they'd used their three months of leave, unless they return to work by that date.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the

employment relationship because he didn't think he'd be recovered enough to return to work three months after the date he sent his resignation letter to employer.

Iowa Code § 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.

**DECISION:**

The decision of the representative dated November 7, 2017, reference 05, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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