

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEPHEN W FILLMORE**  
Claimant

**APPEAL NO. 12A-UI-01943-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**“NEW HOPE VILLAGE INC  
“NEW HOPE VILLAGE**  
Employer

**OC: 01/01/12  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative’s decision dated February 10, 2012, reference 01, which denied unemployment insurance benefits finding that the claimant voluntarily quit work due to a non-work-related illness or injury. After due notice, a telephone hearing was held on March 14, 2012. Claimant participated. Employer participated by Ms. Sonya Sterns, Director of Human Resources and Ms. Kandi Quant, Residential Supervisor. Employer’s Exhibits One and Two were received into evidence.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having considered all of the evidence in the record, the administrative law judge finds: Stephen Fillmore began employment with the New Hope Village on March 30, 2004. The claimant worked as a client support staff member and church driver. Mr. Fillmore was paid by the hour. His immediate supervisor was Kandi Quant.

Mr. Fillmore began an approved leave of absence on June 24, 2011 due to a non-work-related medical condition. The leave of absence was to continue until September 16, 2011 although it could be renewed if Mr. Fillmore requested it. The claimant elected to tender his resignation on August 26, 2011 when Mr. Fillmore had decided to move to a different geographic area. The claimant had not been released by his physician to return to work due to his non-work-related illness or injury.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily left employment without good cause that was attributable to the employer.

Iowa Code § 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 has the burden of proving that the voluntary leaving was for a good cause attributable to the employer. See Iowa Code § 96.6(2).

In this matter the claimant was determined to be unable to work by his physician due to dementia. The claimant had been given an extended leave of absence by the employer in the hopes that Mr. Fillmore's medical condition would improve and that he would be released to return to work by his physician. Although the claimant's approved leave of absence was to last until September 16, 2011, Mr. Fillmore elected to quit his job sooner by tendering a resignation effective August 26, 2011. At that time the claimant stated that he was moving to a different geographic area.

Because the evidence in the record establishes that Mr. Fillmore was the moving party in initiating the separation from employment and that the reasons for the claimant's leaving were not attributable to the employer, the administrative law judge concludes that the claimant left employment under disqualifying conditions. 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 is otherwise eligible.

**DECISION:**

The representative's decision dated February 10, 2012, reference 01, is affirmed. The claimant quit 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 is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

pjs/pjs