

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CHONTEA M YOUNG**  
Claimant

**APPEAL 18A-UI-05771-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**UNITED HEALTHCARE SERVICES INC**  
Employer

**OC: 04/22/18  
Claimant: Respondent (4)**

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Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

**STATEMENT OF THE CASE:**

The employer filed an appeal from the May 10, 2018, (reference 01) unemployment insurance decision that allowed benefits for the three weeks prior to the end of claimant's resignation notice period. The parties were properly notified about the hearing. A telephone hearing was held on June 11, 2018. Claimant did not participate. Employer participated through member services call center supervisor Merit Ringberg and was represented by Alyce Smolsky. Employer's Exhibit 1 was received.

**ISSUES:**

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?

Can charges to the employer's account be waived?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on January 11, 2016. Claimant last worked as a full-time customer service advocate. Claimant was separated from employment on March 6, 2018, when she resigned.

On February 21, 2018, claimant gave employer a two-week notice of resignation. Claimant resigned because she was having a high risk pregnancy and she found her job duties and dealing with employer's third-party administrator for Family and Medical Leave Act (FMLA) leave to be stressful. Claimant did not resign upon the advice of a physician. After receiving the notice, employer informed claimant it would not require her to work the next two weeks, but would keep her on the payroll. Employer paid claimant as an active employee through March 6, 2018.

Claimant has not received any benefit payments since filing the claim effective April 22, 2018.

**REASONING AND CONCLUSIONS OF LAW:**

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

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.

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.

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

In this case, claimant resigned because of her high risk pregnancy and the stress she was under at work. However, claimant did not resign upon the advice of a licensed and practicing physician. Although she was not required to work, claimant was considered an employee and paid as an employee from February 21, 2018, through her notice period ending on March 6, 2018. Therefore, claimant's separation date is March 6, 2018, and she is not eligible for benefits during her resignation notice period. Although claimant may have resigned for good personal reasons, she did not resign for a good cause reason attributable to employer and benefits must be denied.

Because claimant has not received any benefit payments since filing this claim, the issues regarding overpayment are moot and will not be discussed further in this decision.

**DECISION:**

The May 10, 2018, (reference 01) unemployment insurance decision is modified in favor of appellant. 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.

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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

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Decision Dated and Mailed

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