

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NKOMBE N BASUKI
Claimant

APPEAL NO: 13A-UI-13565-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHIRLPOOL COPORATION
Employer

OC: 12/09/12
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 2, 2013 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit this employment for reasons that do not qualify him to receive benefits. The claimant participated in the January 14 hearing. Carrie Jaster, a human resource generalist, participated in part of the hearing. She excused herself before she had the opportunity to ask the claimant's questions. Zahara Bouhouch interpreted the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in January 2012. He worked as a full-time assembler. The last day the claimant worked was July 3, 2013. The claimant was on a medical leave of absence from July 5 through October 14, 2013.

The claimant contacted the employer on October 11. During this conversation, the claimant indicated he needed surgery and would have to have his leave extended. The employer asked the claimant to bring the employer documentation that he needed more time off. The employer would have extended the claimant's leave after receiving medical documentation to support an extended leave.

About this same time, the claimant learned the employer was not going to pay for his surgery or medical bills. Initially, the claimant was scheduled for surgery on October 14 but this was cancelled because of the claimant's high blood pressure. The claimant did not provide any additional documentation to the employer to extend his leave. The claimant did not contact the employer again after October 11, 2013. The claimant did not have the surgery.

As of October 25, 2013, the employer no longer considered the claimant an employee because he did not return to work or provide any documentation to extend his leave of absence. The employer sent the claimant a certified letter on October 29 informing him that he was no longer considered an employee because of his unauthorized absences. The claimant did not pick up this certified letter. The claimant reopened his claim for benefits during the week of November 10, 2013.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The claimant's failure to contact the employer after October 11 or provide supporting documents to extend his leave of absence, supports a conclusion that he abandoned this employment and quit. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

As of October 11, the claimant's medical documentation estimated he could return to work on October 14. Even though the claimant talked to the employer on October 11 about extending his leave of absence, he did not provide the employer with the necessary information to extend his leave of absence.

The evidence indicates the claimant was upset after learning the employer would not be responsible for paying his medical bills. After the claimant learned this, he did not communicate with the employer again.

The claimant may have had personal reasons for abandoning his employment, but the facts do not establish that he quit for reasons that qualify him to receive benefits. As of November 10, 2013, when the claimant reopened his claim for benefits, he is not qualified to receive benefits.

DECISION:

The representative's December 2, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit his employment by abandoning it after October 14, 2013. The claimant quit for personal reasons, but he did not establish he quit for reasons that qualify him to receive benefits. As of November 10, 2013, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css