

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MIMONA I TAHA**  
Claimant

**APPEAL NO. 13A-UI-13366-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**"TPI IOWA LLC**  
Employer

**OC: 11/10/13**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated December 4, 2013, reference 01, which denied unemployment insurance benefits. After due notice, a hearing was initially scheduled on December 24, 2013. The claimant did not submit a telephone number for the hearing and mistakenly went to a Claims Center although the hearing was scheduled to be by telephone. At the claimant's request the hearing was rescheduled. On January 30, 2014, after due notice, a telephone conference hearing was held. Claimant participated. Participating as the official interpreter was Ms. Vivian Salama. The employer participated by Ms. Danielle Williams, Human Resource Coordinator.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Mimona Taha began employment with TPI Iowa LLC on November 5, 2012. Based upon work limitations imposed by the claimant's doctor due to her pregnancy, Ms. Taha began a pregnancy leave of absence that began January 29, 2013. The claimant's baby was due to be born in the month of July and it was agreed that Ms. Taha would contact TPI Iowa LLC after the birth of her baby in July 2013 and that the employer would return Ms. Taha to her regular employment at that time when she was released by her doctor to resume her work with the company.

Ms. Taha elected not to return to her employment with TPI Iowa LLC after the birth of her child on July 19, 2013. Ms. Taha chose not to resume her employment but to leave the position that the employer was holding open for her for personal reasons. Ms. Taha desired to remain at home so that she could provide child care to her five children.

## REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence establishes the claimant left employment with good cause that was attributable to the employer. It does not.

Iowa Code section 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.

871 IAC 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.

In the case at hand the claimant was offered and agreed to a pregnancy leave of absence with TPI Iowa LLC and agreed to contact the employer and resume employment after the birth of her child that was to take place in July 2013. Although the employer expected Ms. Taha to contact them as agreed and the employer was willing to allow the claimant to resume the same or similar job with the company upon being released to return to work by her physician, Ms. Taha chose not to resume employment for personal reasons. Ms. Taha desired to stay home to assist her children in getting to school and to provide care for her children.

While the claimant's reasons for leaving this employment were undoubtedly good personal reasons they were not good cause reasons that were attributable to the employer. For these reasons unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated December 4, 2013, reference 01, is affirmed. Claimant left 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 her 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

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