

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JULIE M ROVER**  
Claimant

**YRC INC**  
Employer

**APPEAL NO. 14A-UI-07589-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/29/14  
Claimant: Respondent (1)**

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Iowa Code section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated July 16, 2014, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 14, 2014. Employer participated by Lisa Hubbard, Director. Claimant failed to respond to the hearing notice and did not participate. Exhibit One was admitted into evidence.

**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 April 25, 2014. Claimant quit because she had exhausted her FMLA. Employer sent claimant a letter indicating she would be let go if she could not cover the time lost from work. Claimant was off work caring for a family member. Claimant quit rather than accept a discharge on her record.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was going to face discharge for overextending her FMLA. Claimant's only option was to quit so as to keep a discharge off her record. Even if claimant had been fired she would still have been entitled to benefits because she was off work for an excusable reason. Overextending FMLA is not a disqualifiable event for unemployment purposes.

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.

**DECISION:**

The decision of the representative dated July 16, 2014, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

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