

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LANE LUCAS
Claimant

SLATER NORRIS PLC
Employer

APPEAL 21A-UI-15804-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/25/21
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit
Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 9, 2021, (reference 01) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on September 3, 2021. Claimant Lane Lucas participated. Employer Slater & Norris participated through owner Michael Norris. Claimant's Exhibits A – F were admitted. Employer's Exhibits 1 – 6 were admitted.

ISSUE:

Did claimant voluntarily leave the employment without 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?
Is claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a paralegal from June 7, 2017, until April 26, 2021, when she was quit.

In the fall of 2020, claimant notified employer she was pregnant. She verbally discussed her maternity leave with Tom Slater and Mike Norris in January 2021. She mentioned that eight weeks of leave are recommended after a C-section delivery, and claimant requested twelve weeks of leave. Tom Slater agreed that they could make that work, but that they would have to discuss it further. The issue was not further discussed prior to claimant's maternity leave.

Claimant intended to begin her maternity leave on March 4, 2021; however, on February 26, 2021, she informed employer that she was required to quarantine prior to her delivery so she would begin her maternity leave effective February 26, 2021. (Exhibit 6).

On April 5, 2021, Michael Norris sent a text message to claimant. (Exhibit D) He sought to find out claimant's plans for returning to work and what the status was of a possible return to work

part-time. Claimant responded the same day that she would not be ready to come back for several weeks and she would discuss the matter with her fiancé.

On April 19, 2021, employer sent a letter to claimant. (Exhibit F, Exhibit 1) The letter indicated claimant's eight weeks of maternity leave would be up on April 23, 2021, so she would be expected to resume her full-time employment on April 26, 2021. Claimant did not contact employer and did not return to work on April 26, 2021. On April 26, 2021, employer sent claimant a letter ending her employment.

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:

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 Admin. Code r. 871-24.22(2)(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 this case, claimant failed to return from a leave of absence and therefore is considered to have voluntarily resigned. While claimant disputes the leave was scheduled to end eight weeks after February 26, 2021, she was on notice that employer believed the leave would end on April 23, 2021 and she was expected back to work on April 26, 2021. Claimant made no efforts to clarify the listed date or discuss extending the leave with employer at that time. Although claimant may have had good personal reasons for failing to return from the leave of absence, she did not resign for a good cause reason attributable to employer.

As claimant's separation is disqualifying, the issue of whether claimant is able to and available for work is moot.

DECISION:

The July 9, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her 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.



Stephanie Adkisson
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September 13, 2021
Decision Dated and Mailed

sa/ol