

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**DIEGO G LOPEZ  
1220 E 2<sup>ND</sup> ST LOT 52  
WEBSTER CITY IA 50595-1723**

**WEBSTER CITY CUSTOM MEATS INC  
E HIGHWAY 20  
PO BOX 280  
WEBSTER CITY IA 50595**

**Appeal Number: 06A-UI-02330-SWT  
OC: 01/22/06 R: 01  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 21, 2006, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 16, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Connie Ingraham participated in the hearing on behalf of the employer with witnesses, Lisa Ely and Mike Dow.

FINDINGS OF FACT:

The clamant worked full time for the employer as a production worker from September 9, 2005, to December 30, 2005. In December 2005, the claimant requested to take a month off work to go to Mexico to receive treatment for a thyroid condition. The claimant provided no medical documentation supporting his request or explanation why it was necessary to take a month off

for this. His request was denied, and he was informed that if he left work, he would be considered to have voluntarily quit employment. The claimant left despite this warning.

Sometime in late January 2006, the claimant called in and asked whether he had a job. He was informed that he was no longer employed and there was no work for him.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment 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.

The unemployment insurance law provides that an individual is qualified to receive benefits if he: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that he needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but his regular work or comparable suitable work was not available. Iowa Code section 96.5-1-d.

In this case, there is no evidence that the claimant was advised to leave employment by a physician. He voluntarily quit employment without good cause attributable to the employer. The law also provides that an individual who leaves work for up to ten days for compelling personal reasons and returns but there is no available work is qualified to receive benefits. Iowa Code section 96.5-1-f. The claimant, however, was absent from work for more than ten days so this law does not apply.

#### DECISION:

The unemployment insurance decision dated February 21, 2006, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

saw/kkf