

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LATOYA R FORD**  
Claimant

**APPEAL NO: 06A-UI-08463-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACT INC**  
Employer

**OC: 07/23/06 R: 03  
Claimant: Appellant (4)**

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Section – 96.5-1-d – Voluntary Leave for Medical Reasons and Offer to Return Upon Recovery

**STATEMENT OF THE CASE:**

Latoya R. Ford (claimant) appealed a representative's August 21, 2006 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits, and the account of ACT, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 7, 2006. The claimant participated in the hearing. Dawn Gibson, a representative with TALX, appeared on the employer's behalf with Deb Schreiber, the manager, testifying on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Did the claimant voluntarily leave her employment for reasons that do not qualify her to receive unemployment insurance benefits?

Is the claimant eligible to receive benefits because she offered to return to work after her physician released her to work again?

**FINDINGS OF FACT:**

The claimant started working for the employer on March 27, 2006. The claimant worked full-time for the employer. The claimant's last day of work was April 21, 2006. On April 24, the claimant was admitted to the hospital as a result of complications with her pregnancy. The claimant contacted the employer on April 25 and informed the employer her physician had restricted her from doing any work.

The claimant's physician released the claimant to return to work on August 10, 2006. The claimant's child had been born and she did not have any work restriction as of August 10, 2006. The claimant contacted the employer about returning to work. The employer asked the claimant

to submit her résumé again so the employer could consider hiring her for another job. As of the date of the hearing, the claimant has not returned to work for the employer.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. When a claimant leaves employment upon the advice of a physician because of pregnancy and immediately informs the employer about the necessity for an absence, the claimant is not disqualified from receiving benefits if the employer does not have work available for the claimant to do after she offers to return to work when she has recovered and has been released to return to work by her physician. Iowa Code § 96.5-1-d.

The facts of this case satisfy the requirements of Iowa Code § 96.5-1-d. The claimant's last day of work, April 21, occurred only because the claimant's doctor restricted the claimant from performing any work until she delivered her child. The claimant immediately informed the employer about her work restriction. As soon as the claimant's physician released her to work, the claimant contacted the employer about returning work, but the employer has not asked the claimant to return to work.

Even though the claimant established a claim for unemployment insurance benefits as of July 23, 2006, her doctor released her to return to work without any restrictions as of August 10. Therefore, as of August 13, 2006, the claimant is qualified to receive unemployment insurance benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

**DECISION:**

The representative's August 21, 2006 decision (reference 02) is modified in the claimant's favor. Based on Iowa Code § 96.5-1-d, the claimant is qualified to receive unemployment insurance benefits as of August 13, 2006, provided she meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/cs