

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CHAD JONES**  
Claimant

**APPEAL 21A-UI-03694-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TARGET CORPORATION**  
Employer

**OC: 11/22/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5-1-d - Voluntary Quit for Medical Reasons  
Iowa Code § 96.3-7 – Overpayment  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 22, 2020, (reference 01) unemployment insurance decision that denied benefits based upon the conclusion he voluntarily quit. A telephone hearing was held on March 17, 2021. The claimant participated. The employer participated through Stephanie Detweiler. The administrative law judge took official notice of the agency records.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason and whether the claimant is able and available for work.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant was employed full-time as an outbound worker from March 10, 2020, until this employment ended on May 20, 2020, when he was terminated. His immediate supervisor was Operations Manager Taylor Peyton.

The claimant had a vehicular accident in the parking lot outside of work which resulted in a significant injury to his right hand.

On May 23, 2020, the claimant was placed on leave as an accommodation under the Americans with Disabilities Act.

On June 8, 2020, the claimant was placed on short-term disability leave. While he was on leave, the claimant complied with the requirements of the leave by informing the employer's third party leave administrator, the Reed Group, of his progress. While he was on leave, the claimant reached maximum medical improvement. His final restrictions stated he could not lift anything more than 10 pounds. He could lighter objects for only three hours continuously.

On November 6, 2020, the claimant's short-term disability leave was exhausted.

On November 20, 2020, the claimant received a call from Human Resources Business Partner Susan (last name unknown). On the call, the claimant was told that his contract was being terminated. Susan explained the claimant's restrictions would prevent him from returning to his old role. She said the only positions he could perform would be in the Human Resources Department, but none of those positions had openings.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant was discharged for a non-disqualifying reason.

Iowa Code section 96.5(1)d provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

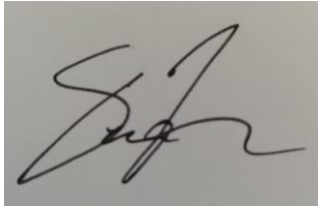
A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). A claimant is not disqualified for leaving employment if he or she (1) left employment by reason of illness, injury or pregnancy; (2) on the advice of a licensed and practicing physician; (3) and immediately notified the employer or the employer consented to the absence; (4) and when certified as recovered by a physician, the individual returned to the employer and offered services but the regular or comparable suitable work was not available. *Area Residential Care, Inc. v. Iowa Department of Job Service*, 323 N.W.2d 257 (Iowa 1982). A "recovery" under Iowa Code Section 96.5-1-d means a complete recovery without restriction. *Hedges v. Iowa Department of Job Service*, 368 N.W.2d 862 (Iowa App. 1985).

Where an employee did not voluntarily quit but was terminated while absent under medical care, the employee is allowed benefits and is not required to return to the employer and offer services pursuant to the subsection d exception of Iowa Code section 96.5(1). *Prairie Ridge Addiction Treatment Services v. Jackson and Employment Appeal Board*, 810 N.W.2d 532 (Iowa Ct. App. 2012).

The claimant did not quit. The claimant was terminated while on a leave of absence. Benefits are granted.

**DECISION:**

The November 22, 2020, (reference 01) unemployment insurance decision is reversed. Claimant was discharged from employment for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is written over a light gray rectangular background.

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Sean M. Nelson  
Administrative Law Judge  
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March 19, 2021  
Decision Dated and Mailed

smn/lj