

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN J NETOLICKY

Claimant

APPEAL NO. 08A-UI-09938-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BENNETT MACHINE & FABRICATING INC

Employer

**OC: 06/15/08 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 17, 2008, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on November 12, 2008. Claimant participated. Employer participated by Doug Wright, Human Resource Manager. 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 having considered all of the evidence in the record, finds: Claimant last worked for employer on June 12, 2008. Claimant left work June 13, 2008 because his house was flooded. Claimant needed to take care of his personal problems caused by the flood. Claimant took a leave of absence that ended July 25, 2008. Claimant was contacted by employer and asked to return to work. Continued work was available to claimant. Claimant declined to return, knowing that his employment would be terminated based on a letter sent by employer. Claimant, to date of hearing, has not returned to ask for his job back.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he overextended a leave of absence. Claimant left for compelling personal reasons but failed to return in a reasonable period of time. This is a quit without cause attributable to employer. Claimant overextended his leave of absence for reasons not connected to employment. Benefits withheld.

Iowa Code section 96.5-1-f 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. But the individual shall not be disqualified if the department finds that:

f. The individual left the employing unit for not to exceed ten working days, or such additional time as may be allowed by the individual's employer, for compelling personal reasons, if so found by the department, and prior to such leaving had informed the individual's employer of such compelling personal reasons, and immediately after such compelling personal reasons ceased to exist the individual returned to the individual's employer and offered the individual's services and the individual's regular or comparable work was not available, provided the individual is otherwise eligible; except that during the time the individual is away from the individual's work because of the continuance of such compelling personal reasons, the individual shall not be eligible for benefits.

DECISION:

The decision of the representative dated October 17, 2008, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw