

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VAHIDA DALLENBACH
Claimant

APPEAL NO. 11A-UI-15281-LT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

WAL-MART STORES INC
Employer

**OC: 10/30/11
Claimant: Respondent (2)**

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

An appeal was filed from an unemployment insurance decision dated November 18, 2011 (reference 01) that allowed benefits. A telephone hearing was scheduled for December 21, 2011. The appellant did respond to the hearing notice instructions, but was not available when the hearing was called. The claimant did not respond to the hearing notice instructions and no hearing was held.

ISSUE:

The issue is whether the claimant voluntarily left the employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed the administrative record, the administrative law judge finds: Claimant was employed as a full-time cashier from May 21, 2011 to October 13, 2011 and quit due to health issues related to her pregnancy and had not intended to return after maternity leave so she could be a day care provider.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 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 Code § 96.5-1-d 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:

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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

While claimant's decision to quit may have been based upon good personal reasons, it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The November 18, 2011 (reference 02) decision is reversed. 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.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/kjw/kjw