

June 1, 2005. He was assigned to the University of Iowa laundry for an indefinite period of time.

On Tuesday, September 6, 2005, he was no-call/no-show to work and the client contacted Account Manager Will Ortega to report the absence. Mr. Ortega attempted to contact the claimant, but no one answered the phone. Later in the day the claimant called Cambridge and said he was having dental problems and would be taking time off until the problem could be dealt with. He did not say he wanted to keep his assignment at the University of Iowa. If he had, the account manager would have told him what he had to do as far as providing excuses from his doctor and other matters.

Mr. Ortega told the claimant to contact him as soon as he was able and available to return to work but in the meantime he would be replaced at the assignment. Mr. Seaton did not contact the employer again until September 15, 2005, at which time he was told there were no assignments available.

Mr. Seaton filed an additional claim for benefits with an effective date of September 11, 2005.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is not.

Iowa Code section 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.

The claimant quit his assignment through Cambridge because of a non-work-related medical condition. He notified the employer of the situation and was told his position would be filled but to contact Cambridge again when he was able to return to work. Mr. Seaton did this but no work was available to him. Under the provisions of the above Code section, he is qualified for benefits beginning September 11, 2005.

DECISION:

The representative's decision of October 6, 2005, reference 01, is reversed. Nick Seaton is qualified for benefits provided he is otherwise eligible.

bgh/kjw