

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLES A DREES
Claimant

TARGET CORPORATION
Employer

APPEAL 21A-UI-20671-S2-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/27/21
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 16, 2021, (reference 03) unemployment insurance decision that denied benefits based upon his voluntary quit. The parties were properly notified about the hearing scheduled for November 8, 2021. The administrative law judge postponed the hearing to allow claimant time to review employer's proposed exhibits. After due notice was issued, a telephone hearing was held on December 7, 2021. Claimant Charles A. Drees participated and testified. Employer Target Corporation participated through human resources business partner Sarah Hoyer. Claimant's Exhibits A and B were received. Employer's Exhibits 1 – 5 were received.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?
Is the claimant able to and available for work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a warehouse worker from May 5, 2020, until April 19, 2021, when he was separated from her employment. Claimant last performed work on May 18, 2020.

Claimant was exposed to COVID-19 and was off work beginning May 19, 2020. While off work he suffered a non-work related shoulder injury and requested and was granted a leave of absence effective June 18, 2020. Claimant underwent shoulder surgery in August 2020, and believed he would be released following an October 30, 2020, appointment with his medical provider. However, on the way to the appointment, claimant was in a car accident, and was unable to return to work. He required an additional surgery in April 2020. Throughout the time claimant was out of work, employer sent letters advising claimant he needed to provide medical documentation to support his time off. (Employer Exhibit 3, 5, 6, and 7) Each letter provided a deadline to provide the information to employer. Claimant provided the required documentation, and claimant's leave of absence was extended to April 5, 2021.

On April 8, 2021, employer sent claimant a letter stating it needed updated medical documentation, and asked claimant to have his medical provider complete a required form and provide the information by August 15, 2021, at noon. (Employer Exhibit 4) The letter noted that if the information was not received by April 15, 2021, employer would assume claimant was not interested in returning to work and was ending his employment. Claimant did not return to work or submit the required documentation by April 15, 2021. Claimant did not provide the requested documentation until April 19, 2021, because he had an appointment with his doctor on that date. (Claimant Exhibit B) He did not notify employer that he needed additional time to complete the form. On April 19, 2021, separation ensued. (Claimant Exhibit A).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. They remain disqualified until such time as they requalify for benefits by working and earning insured wages ten times their weekly benefit amount. *Id.*

Iowa Code section 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 Admin. Code r. 871-24.22(2)j(1)(2)(3) provides:

Benefit eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

j. Leave of absence. A leave of absence negotiated with the consent of both parties, employer and employee, is deemed a period of voluntary unemployment for the employee-individual, and the individual is considered ineligible for benefits for the period.

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee-individual, the individual is considered laid off and eligible for benefits.

(2) If the employee-individual fails to return at the end of the leave of absence and subsequently becomes unemployed the individual is considered as having voluntarily quit and therefore is ineligible for benefits.

(3) The period or term of a leave of absence may be extended, but only if there is evidence that both parties have voluntarily agreed.

In this case, claimant began a leave of absence on May 19, 2020. Claimant's most recent medical documentation on file with employer provided that claimant would be off work through April 5, 2021. Although claimant did not return to work at that time, employer allowed additional time for claimant to provide medical documentation extending his leave. While claimant argued he could not do so because he underwent surgery, he could have informed employer prior to the surgery that he needed to extend his leave of absence. Claimant did not request an extension of the leave of absence and provided the information to employer after the deadline. The administrative law judge is sympathetic to claimant's situation, but the credible evidence presented does not support claimant being allowed regular state benefits according to Iowa law. Accordingly, regular state benefits are denied.

Because the separation is disqualifying, the issue of whether claimant is able to and available for work is moot.

DECISION:

The September 16, 2021, (reference 03) unemployment insurance decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The issue of whether claimant is able to and available for work is moot.



Stephanie Adkisson
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January 11, 2022
Decision Dated and Mailed

sa/scn