

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MEGAN M BEAVER
Claimant

APPEAL NO. 11A-UI-15090-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QWEST CORPORATION
Employer

**OC: 10/23/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Megan M. Beaver filed a timely appeal from an unemployment insurance decision dated November 14, 2011, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held December 19, 2011. Ms. Beaver participated on her own behalf. Telesales Manager Dominic Hayes testified for the employer, Qwest Corporation, which was represented by Steven Zaks of Barnett Associates.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Megan M. Beaver was first hired by Qwest Corporation on April 24, 2006. She last performed services for the company as a customer service and sales associate on September 15, 2011. She was then tentatively granted a medical leave pending documentation from her physician. The application was denied because the company did not receive the required medical documentation. The company sent a letter to Ms. Beaver on October 6, 2011 notifying her that the application had been denied and that she needed to contact the company by October 11, 2011. The letter was sent to the last address the company had for Ms. Beaver. She had moved from that address without notifying the employer or providing a forwarding address to the U. S. Postal Service. Her ex gave her the letter sometime during the week of October 23, 2011. Ms. Beaver filed a claim for unemployment insurance benefits but did not contact the employer.

For several years Ms. Beaver has dealt with a serious medical condition. The medical condition makes it difficult for Ms. Beaver to deal with the stress of the job. Some years ago when Ms. Beaver sought treatment at the Mayo Clinic, she was advised that this type of work was not in her interest. Ms. Beaver did not resign, however, because of the benefits offered by the employment.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

Under some circumstances, an individual may receive unemployment insurance benefits if the individual has resigned because of a medical condition caused or aggravated by working conditions. In order to receive benefits, the individual must establish that he or she first brought the issue to the attention of the employer and requested an accommodation and then gave the employer a reasonable amount of time to address the situation. See Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993). While the evidence establishes such conversations in prior years, it does not establish such a conversation in 2011. The record shows that the claimant requested a leave of absence but then did not maintain contact with the employer or provide the documentation that was required to process her request. The administrative law judge concludes that the claimant in essence abandoned her job. Benefits are withheld.

DECISION:

The unemployment insurance decision dated November 14, 2011, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs