

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY F GRAFTON
Claimant

APPEAL NO. 12A-UI-02641-M

**ADMINISTRATIVE LAW JUDGE
DECISION**

NIKKI GORLA
WASH-N-DRY INC
Employer

OC: 11/14/10
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 14, 2012, reference 07, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 19, 2012. Claimant participated. Employer participated by Nikki Gorla, president/owner, and Shelley Schlegel, employee. Exhibits One, Two, Three and A were 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 May 15, 2010. Claimant went off work due to an injury. Claimant informed employer of the need to be off work. Claimant was released to full-duty work July 22, 2011. Claimant asked employer for work but no work was available.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was off work due to injury. Claimant has fulfilled all the legal requirements to prove a quit for good cause by obtaining a full release to work and asking employer for her job back. Since no work was available, this is a quit for good cause attributable to employer.

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.

DECISION:

The decision of the representative dated March 14, 2012, reference 07, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw