

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STACEY L BUCKALLEW**  
Claimant

**APPEAL NO. 12A-UI-07909-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NEW FOCUS INC**  
Employer

**OC: 05/20/12**  
**Claimant: Appellant` (1)**

Section 96.5(1)d – Quit/Medical

**STATEMENT OF THE CASE:**

The claimant, Stacey Buckallew, filed an appeal from a decision dated June 26, 2012, reference 03. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on July 25, 2012. The claimant participated on her own behalf. The employer, New Focus, participated by Executive Director Peggy Oden.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Stacey Buckallew was employed by New Focus from April 26 until June 1, 2012 as a part-time supported community living aide. The claimant resigned on June 1, 2012, because her doctor had told her she needed to “take it easy” due to complications of her pregnancy. Ms. Buckallew provided a statement from the doctor which she submitted to the employer. She is to be off work until at least six weeks after her baby is born. The due date is August 3, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

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 on the recommendation of her doctor due to pregnancy complications. At the current time she is disqualified. The provisions of the above Code section allows for a reevaluation of the situation if and when, six weeks after her delivery and when released to return to work by her doctor, she offers to return to work for the employer and no work is available. That situation, however, is not currently under review.

**DECISION:**

The representative's decision of June 26, 2012, reference 03, is affirmed. Stacey Buckallew is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs