

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CELINDA P RIZO PALOMERA
Claimant

APPEAL NO: 18A-UI-11526-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA STAFFING INC
Employer

OC: 11/04/18
Claimant: Appellant (1)

Section 96.5(1)j – Voluntary Leaving (Temporary Employment)

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 26, 2018, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 12, 2018. The claimant participated in the hearing with CTS Language Link Interpreter Maryanna (11220). Alejandra Rocha, Office Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the employer discharged the claimant for work-connected misconduct and whether the claimant sought reassignment from the employer.

FINDINGS OF FACT:

The claimant was employed as a full-time production employee for Iowa Staffing, Inc. last assigned at Marzetti Frozen Pasta from July 9 2018 to November 3, 2018. The assignment ended when the claimant became ill and could no longer perform her job. The claimant was hospitalized November 3, 2018, reported her illness to the employer, and provided doctor's notes dated November 3 and November 5, 2018. The claimant was unable to return to the assignment and consequently the client ended the assignment November 3, 2018. The employer sent the claimant FMLA paperwork and approved her leave of absence November 28, 2018. The claimant remains on FMLA at this time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant ended her assignment due to illness. She was hospitalized November 3, 2018, and began FMLA November 28, 2018. She remains ill with no return to work date provided. While the claimant had good personal reasons for leaving her employment, she has not demonstrated that her leaving was for good cause attributable to the employer. Therefore, benefits must be denied.

DECISION:

The November 26, 2018, reference 01, decision is affirmed. Benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn