

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDNA EDMUND
Claimant

APPEAL NO. 11A-UI-04265-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IBM CORPORATION
Employer

**OC: 01/30/11
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed a representative's March 31, 2011 determination (reference 02) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. David Bunning appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in late June 2010. She worked as a technology specialist in Dubuque, Iowa. When employees are ill for a period of time, they may be eligible to receive short-term disability benefits from the employer.

The last day the claimant performed services for the employer was October 1. On October 13, a doctor in Lawrenceville, Georgia, stated the claimant could return to work on October 21, 2010. On or about October 15 or 18, the employer told the claimant she needed to or had to return to work. When the employer asked the claimant to return to work, the employer did not understand the claimant was ill and was restricted from working. Although the claimant's physician released her to return to work on October 21, she submitted her resignation on October 20. The claimant quit for medical reasons. She attached a copy of the October 13 doctor's statement to her resignation notice that she emailed to the employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant acknowledged she submitted her resignation by email on October 20, 2010. When a

claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

Quitting for a medical reason, being ill for seven days, may be a compelling personal reason for quitting, but it does not qualify the claimant to receive benefits. In this case, it does not make sense for the claimant to quit on October 20 when she was released to return to work on October 21, 2010. The claimant testified she was only ill and unable to work for a week or seven days. If this is true, she provided no explanation as to why she did not work October 1 through 13. Since the claimant's physician released her to work without any restrictions on October 21, she did not establish that she quit for reasons that qualify her to receive benefits. As of January 30, 2011, the claimant is not qualified to receive benefits.

DECISION:

The representative's March 31, 2011 determination (reference 02) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 30, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw