

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHARON M JONES
Claimant

APPEAL NO. 15R-UCFE-00012-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

US POSTAL SERVICE
Employer

OC: 05/18/14
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 21, 2015, reference 03, which held claimant ineligible for unemployment insurance benefits. An earlier hearing was held, and as claimant didn't participate, claimant's appeal was dismissed. The Employment Appeals Board reversed and remanded the earlier ruling, sending the matter back to this court for a new hearing. After due notice, a hearing was scheduled for and held on May 19, 2015. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Claimant's exhibits A-L were admitted into evidence.

ISSUES:

Whether claimant quit for good cause attributable to employer?

Whether claimant is able and available for work?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 1, 2014. Claimant wrote a letter to employer stating that she would be quitting her job, effective December 5, 2015. Claimant had been suffering from a gastrointestinal infection and had a number of surgeries. Claimant did not have any sick leave or vacation time to use. Claimant stated that her illness was not caused by her employer. Claimant did not pursue an FMLA leave as she would not have been paid during her recovery.

Claimant stated that she is now recovered from her surgeries and is now able and available for work and is actively seeking employment.

REASONING AND CONCLUSIONS OF LAW:

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.

Iowa Admin. Code r. 871-24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of her gastrointestinal infection. As claimant has voluntarily quit, the issue of claimant being able and available to work is moot at this time.

DECISION:

The decision of the representative dated January 21, 2015, reference 03, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/can