

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHANNON M GETZ
Claimant

APPEAL NO. 09A-UI-05323-E2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

OC: 05/04/08
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated March 30, 2009, reference 05, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 24, 2009. Claimant participated personally. Employer participated by Jenny Mc Neil, Account Manager.

ISSUE:

The issue in this matter is whether claimant voluntary quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Temp Associates is a labor firm that placed the claimant on assignment with Lance Private Brands in January 2009. On February 23, 2009 Shannon Getz injured her foot in a non-work-related accident. She went to a doctor and was put in an air cast. She properly reported this to Temp Associates and Lance Private Brands. Ms. Getz reported to work on February 26, 2009. She met with the safety director and determined she could not do the climbing portion of her work. She was told by Temp Associates and Lance Private Brands to report back when she had no restrictions. Ms. Getz obtained a total release from her doctor on March 5, 2009. She presented this release to Lance Private Brands and Temp Associates and was told no work was available.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 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.

See also 871 IAC 24.26 (6) a.

The claimant was released to return to work without restrictions as of March 5, 2009. Temp Associates had no work for her. The claimant is not disqualified for unemployment. Her "quit" is attributable to the employer.

DECISION:

The decision of the representative dated March 30, 2009, reference 05, is affirmed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

James Elliott
Administrative Law Judge

Decision Dated and Mailed

jfe/css