

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM R CARLE
Claimant

APPEAL NO. 13A-UI-13546-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

**OC: 11/10/13
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 9, 2013, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 6, 2014. Claimant participated. Employer participated by Sarah Fiedler, Human Resource Generalist.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

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 October 18, 2013. Claimant went off work due to a non-work-related illness. Employer told claimant that a full-duty release was necessary. Claimant's doctor gave a full-duty release effective November 11, 2013. Claimant called employer multiple times to inform them of the release. Employer did not offer continued employment after the full-duty release was received. Employer provided only hearsay to refute claimant's statement that he informed employer of the full-duty release.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of illness. Since claimant properly reported the illness and returned to offer himself for work after full recovery this is a quit for good cause attributable to employer. Claimant's sworn testimony that claimant did in fact ask for work is sufficiently credible to overcome employer's hearsay that claimant did not make a good faith effort to return to work. This is a quit for good cause because employer failed to offer claimant work after a full-duty release. Benefits allowed.

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.

DECISION:

The decision of the representative dated December 9, 2013, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css