

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**GUIFANG LIU**  
Claimant

**HY-VEE INC**  
Employer

**APPEAL 15A-UI-13149-DL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/25/15**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 19, 2015 (reference 01) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on December 15, 2015. Claimant participated through CTS Language Link Mandarin language interpreter. Employer participated through managers Roxane Nowicki and Noah Asche. James Tranfaglia of Corporate Cost Control represented the employer.

**ISSUES:**

Did claimant voluntarily leave the employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a cook/manager/clerk from January 31, 2006 and was separated from employment on June 4, 2015. She requested a leave of absence of between three and six months to go to China for arm pain treatment. The employer granted her a 92-day personal leave of absence (she was on leave from March 5 through June 4, 2015) and had her sign documents with an interpreter/translator, Sung Chu, Chinese department manager. She denies his presence but did not take paperwork home for her daughter's assistance. Her last day of work was February 23, 2015. Nowicki called her daughter the second week in June and gave her a message that claimant's employment had ended. Claimant was in China for medical treatment and did not keep in contact with the store. Claimant returned to the United States on September 10, 2015; after her treatment was finished. She reported to Nowicki on September 15, 2015 about work availability. Nowicki did not hire a replacement for claimant until October 2015 and she did not apply for that posted job.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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. 871-24.25(20) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The three-month leave of absence was reasonable, given that the claimant requested between three and six months. Because claimant failed to return to work or communicate with the employer about extending her 92-day leave of absence, the separation job abandonment without good cause attributable to the employer. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

**DECISION:**

The November 19, 2015 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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