

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARIA L GONZALEZ
Claimant

APPEAL NO. 11A-UI-04022-M2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 08/15/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 22, 2011, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 21, 2011. Claimant participated. Employer participated.

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 having considered all of the evidence in the record, finds: Claimant last worked for employer on October 22, 2009. Following a work injury, the claimant was released to return to work without restrictions effective November 3, 2009. When she stated she was unable to work, the employer placed the claimant on a leave of absence and gave her up to 12 months to bid into a position she felt she could perform. She bid into a position and then indicated that she felt it was too hard for her and quit it. Effective December 3, 2010, the employer considered the claimant as a quit for having failed to return to and remain working more than one year after a full medical release.

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.

The claimant quit the employment without good cause attributable to the employer by refusing to work following a full medical release by failing to return to and continue working more than one year after the release to unrestricted work.

DECISION:

The decision of the representative dated March 22, 2011, 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.

Stan McElderry
Administrative Law Judge

Decision Dated and Mailed

srm/kjw