

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHILIP J RANNEY
Claimant

APPEAL NO. 12A-UI-08043-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLLAR GENERAL
Employer

OC: 06/10/12
Claimant: Respondent (1)

Section 96.5(1)d – Quit/Medical

STATEMENT OF THE CASE:

The employer, Dollar General, filed an appeal from a decision dated June 28, 2012, reference 01. The decision allowed benefits to the claimant, Philip Ranney. After due notice was issued, a hearing was held by telephone conference call on July 31, 2012. The claimant participated on his own behalf. The employer participated by Store Manager Marney Coleman.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Philip Ranney was employed by Dollar General from July 8, 2011 until May 3, 2012 as a part-time salesperson. He went on a medical leave of absence March 11 and was released to return to work on May 3, 2012. He notified his store manager and the regional supervisor and was told by each of them to fax the release to Matrix, the third-party administrator of Dollar General's leave of absence matters. Mr. Ranney did this.

For reasons which are unknown, the employer was informed Mr. Ranney had not been released to return to work until September 2012, and he was told this repeatedly by the store manager and the regional supervisor. Finally, on May 22, 2012, the confusion was cleared up and the actual return to work date was acknowledged to have been May 3, 2012. The claimant came in on May 25, 2012, to quit because he needed to work and was tired of being told he was not being put on the schedule. Store Manager Marney Coleman told him at that time the confusion had been cleared up and he would be on the schedule for the next week. Mr. Ranney still quit because he did not believe her.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant was on a leave of absence approved by the employer and notified Dollar General when he was released to return to work. Through no fault of his own, the employer confused the return to work date and Mr. Ranney was not put back on the schedule. No work was available to him when he notified the employer he had been released. Under the provisions of the above Code section, this is a voluntary quit with good cause attributable to the employer and the claimant is qualified.

DECISION:

The representative's decision of June 28, 2012, reference 01, is affirmed. Philip Ranney is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw