

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CORIE L KINKEAD**  
Claimant

**APPEAL NO. 11A-UI-08843-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY  
CASEY'S GENERAL STORES**  
Employer

**OC: 06/05/11  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 30, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 27, 2011. Claimant participated personally. Employer participated by Cathy Miller, manager. Exhibit A was admitted into evidence.

**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 June 1, 2011.

Claimant, on June 13, 2011, quit because she felt that she was treated different than other employees. Claimant had a lot of lost time due to illness and injury. Claimant was told one time to work when claimant was suffering with back pain. Claimant did not have a doctor's excuse for that particular day. Claimant underwent surgery. Claimant was released to work effective July 15, 2011. Claimant did not return to ask for her job back after the doctor's release. Claimant was upset over being ordered to work when her back was hurting. Claimant filed a complaint with upper management. Claimant's assertion was investigated with prompt remedial action taken.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she felt discriminated against. There was no ongoing conflict. Claimant resolved the only conflict. This is a personal reason for a quit. Claimant had a duty to return to employer to ask for her job back upon release. Claimant did not ask for her job back. This is a quit for personal reasons. Benefits withheld.

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 June 30, 2011, reference 01, 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.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw