

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GARRY A HUTCHINSON
Claimant

APPEAL NO. 10A-UI-05198-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**LA LEASING INC
SEDONA STAFFING**
Employer

**OC: 02/01/09
Claimant: Appellant (1)**

Section 96.5(1)d – Quit/Medical

STATEMENT OF THE CASE:

The claimant, Garry Hutchinson, filed an appeal from a decision dated March 25, 2010, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 19, 2010. The claimant participated on his own behalf and was represented by John Carr. The employer, Sedona Staffing, participated by Unemployment Benefits Administrator Colleen McGuinty and Branch Manager Margo Bojorquez.

ISSUE:

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

FINDINGS OF FACT:

Garry Hutchinson was employed by Sedona from November 9, 2009 until December 10, 2009. He was assigned to Henderson Manufacturing for an indefinite period. On December 10, 2010, he notified his supervisor at the client company he was leaving the assignment because of a respiratory infection. The human resources manager at the client contacted Branch Manager Margo Bojorquez and she called Mr. Hutchinson.

During that phone conversation the claimant said he was quitting because of his medical problem. He was released to return to work by his doctor December 27, 2009, but did not contact anyone at Sedona to request a new assignment.

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 quit because of non-work-related medical problems. After being released he did not contact anyone at Sedona to request a new assignment. Under the provisions of the above Code section, this is a voluntary quit effective December 27, 2009.

DECISION:

The representative's decision of March 25, 2010, reference 01, is affirmed. Garry Hutchinson is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css