

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT E MEYER
Claimant

APPEAL NO: 06A-UI-08546-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEVENTH AVENUE INC
Employer

**OC: 07/16/06 R: 04
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 22, 2006, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on September 11, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Lynn Rankin participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer from December 28, 2004 to May 12, 2006, as a truck unloader. The claimant was informed and understood that under the employer's work rules, employees were required to notify the employer if they were not able to work as scheduled.

The claimant was absent from work without notice to the employer on May 15, 16 and 17, 2006. When the claimant failed to call on May 17, 2006, as supervisor called him and asked why he was not at work. The claimant has experiencing problems with his ankle and back. He told the supervisor that he was not returning to work due to these problems and was going to find another job. The claimant did not see a doctor about his condition.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment 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.

The claimant voluntarily quit employment without good cause attributable to the employer. He quit due to medical problems, but the evidence fails to establish he was advised by a doctor to leave work or that it was impossible to continue in employment due to a serious health danger, which is required under the unemployment insurance law to receive benefits. See Iowa Code § 96.5-1-d; 871 IAC 24.26(6)b.

DECISION:

The unemployment insurance decision dated August 22, 2006, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/cs