

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERRY HINDERS**

Claimant

**APPEAL NO. 13A-UI-09789-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KELLY SERVICES INC**

Employer

**OC: 07/28/13**

**Claimant: Appellant (1)**

Section 96.5(1)d – Quit/Medical

**STATEMENT OF THE CASE:**

The claimant, Sherry Hinders, filed an appeal from a decision dated August 19, 2013, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on September 30, 2013. The claimant participated on her own behalf. The employer, Kelly Services, participated by Staffing Supervisor Josh Fischer.

**ISSUE:**

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

**FINDINGS OF FACT:**

Sherry Hinders was employed by Kelly Services from June 27 until July 26, 2013. She was assigned to Tops Business Forms. On July 26, 2013, the claimant contacted Staffing Supervisor Josh Fischer and told him her doctor had recommended she quit. Before working for Kelly Services Ms. Hinders had hand surgery and it was causing her to have problems with her arms going numb from all the lifting this assignment required her to do.

The claimant has been released to return to desk-type work but has not provided a doctor's statement to the employer certifying her as being able to return to work.

**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 did quit her assignment upon the recommendation of her doctor. But even though he has released her to return to work with certain retractions, Ms. Hinders has not returned to Kelly Services to request more assignments within the limit of her physical restrictions.

Under the provisions of the above Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

**DECISION:**

The representative's decision of August 19, 2013, reference 01, is affirmed. Sherry Hinders is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css