

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**REX A SILVEY**  
Claimant

**KOLACIA CONSTRUCTION INC**  
Employer

**APPEAL NO. 14A-UI-12337-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/26/14**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated November 26, 2014, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 17, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Vince Kolacia 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 full time for the employer as a carpenter from October 6 to 20, 2014. Vince Kolacia is the owner of the business. He had taken the week of October 13 off due to a fall at work.

When he reported to work on October 20 he told a supervisor that he did not know how long he would be able to work because he was still hurting. At about noon, the claimant had a reaction to medication he takes for anxiety. He left work at about noon without notice and was hospitalized until October 23. When he stopped in the office on October 24 to pick up his check, someone in the office gave him the idea he was fired. The claimant is unsure who it was that he talked to or exactly what was said. The claimant was told to contact Vince Kolacia on October 27 about his job, but he did not contact Kolacia until October 31. At that time, the claimant told Kolacia that he was not able to return to work and was going to file for unemployment benefits. Kolacia reasonably believed the claimant was quitting and wished him well.

## **REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a. The claimant testified that he understood that he was fired, but since he did not know who the person was, he could not reasonably rely on what that person said. He was given the opportunity to clarify his status by contacting Kolacia on October 27, but he did not do so. Finally, when he contacted Kolacia on October 31, he did not ask whether he had a job but instead told Kolacia that he was able to return to work.

The law contains two provisions for employees who leave employment due to medical reasons. First, a person is qualified to receive benefits if he: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that he needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but his regular work or comparable suitable work was not available. Iowa Code § 96.5-1-d. The claimant has not satisfied any of the conditions for receiving benefits under Iowa Code § 96.5-1-d.

Second, the unemployment insurance rules provide that a claimant is qualified to receive benefits if compelled to leave employment due to a medical condition attributable to the employment. The rules require a claimant: (1) to present competent evidence that conditions at work caused or aggravated the medical condition and made it impossible for the claimant to continue in employment due to a serious health danger and (2) to inform the employer before quitting of the work-related medical condition and that the claimant intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b. The claimant has not satisfied any of the conditions for receiving benefits under 871 IAC 24.26(6)b.

## **DECISION:**

The unemployment insurance decision dated November 26, 2014, 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/can