

IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS

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

**TODD F SCHARPMAN**  
Claimant

**APPEAL NO. 09A-UI-15232-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CEDAR VALLEY TRANSPORT**  
Employer

**Original Claim: 12/28/08**  
**Claimant: Appellant (1)**

Section 96.5-1-d – Voluntary Leaving/Illness or Injury  
871 IAC 24.25(35) – Separation Due to Illness or Injury

**STATEMENT OF THE CASE:**

Todd F. Scharpman (claimant) appealed a representative's October 1, 2009 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Cedar Valley Transport (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 10, 2009. The claimant participated in the hearing. Larold Witt appeared on the employer's behalf. During the hearing, Claimant's Exhibit A was entered into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

Comment [LD1]: Yes, it is Larold, not Harold.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant started working for the employer on July 10, 2009, after a period of receiving unemployment insurance benefits subsequent to a separation with another employment. He worked full-time as a regional driver in the employer's trucking business. His last day of work was September 19, 2009. He voluntarily quit as of that date.

Several years prior to 2009, the claimant had worked as an over-the-road truck driver and had encountered problems with suffering from panic attacks. He had received treatment and therapy, and did have another trucking job doing local hauls in the interim prior to his employment with the employer. He had explained his prior problem to the employer when he was hired, but indicated that the problem was resolved and he did not anticipate any problems, particularly as with the regional driving he was away from home only Monday through Friday.

However, in the days prior to September 14 the claimant began to feel the reoccurrence of some of his prior symptoms. He did not seek medical treatment at the time. Rather, he proceeded to pick up a load on September 14 in Cedar Rapids that was due for delivery in Olney, Illinois on the morning of September 15. He left Cedar Rapids at approximately 2:00 p.m. He drove about 130 miles, reaching Knoxville, Illinois between 5:30 p.m. and 6:00 p.m. He had begun to feel more serious symptoms by this time, and pulled into a truck stop. He determined to stay at the truck stop overnight with hopes that the symptoms would resolve themselves. When he still did not feel safe enough to drive on the morning of September 15, he arranged for a ride home and contacted the employer to indicate that he was leaving the truck and leaving his employment as he did not feel safe to drive due to the panic disorder.

He sought medical attention on September 17; the doctor agreed that the claimant was unable to work as an over-the-road truck driver at that point due to poor control of his panic disorder. However, there was no information provided that the medical reason for the attack was caused or aggravated by the job or that the condition could not have been treated or controlled so that he could have returned to work had he not quit when he did.

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

If the claimant voluntarily quit, he would not be eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Where the quit is for medical or health reasons, the quit is disqualifying at least until the claimant has recovered and seeks to return to work unless the medical or health issue is attributable to the employer. Iowa Code § 96.5-1; 871 IAC 24.25(35); 871 IAC 24.26(6)b.

The claimant has not presented competent medical evidence showing adequate health reasons to justify his quitting. Further, before quitting he did not inform the employer he was suffering from a claimed work-related health problem and inform the employer that he intended to quit unless the problem was corrected or reasonably accommodated. The quit therefore cannot be treated as due to a work-related condition. Where a claimant has been compelled to leave employment due to a medical or health issue not shown to be caused or aggravated by the work environment, the claimant is not eligible to receive unemployment insurance benefits, at least until or unless the claimant then recovers, is released to return to work by his physician, and in fact does attempt to return to work with the employer. 871 IAC 24.25(35). A disqualification for a voluntary quit not attributable to the employer applies even where a person has given up unemployment insurance benefits to accept the work which was then considered unsuitable. Taylor v. Iowa Department of Job Service, 362 N.W.2d 534 (Iowa 1985). A "recovery" under Iowa Code § 96.5-1-d means a complete recovery without restriction. Hedges v. Iowa Department of Job Service, 368 N.W.2d 862 (Iowa App. 1985). The claimant has not been released to return to full work duties. Accordingly, while the claimant had a good personal reason for leaving the employment, the separation is without good cause attributable to the employer and benefits must be denied until or unless he is fully released and does attempt to return to work with the employer.

**DECISION:**

The representative's October 1, 2009 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of September 15, 2009, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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\* This case should have been captioned as an EUCU case, but this does not affect the substance of the decision.