

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

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Appeal Number: 05A-UI-06936-SWT  
OC: 06/05/05 R: 03  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-2-a - Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 20, 2005, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 25, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Terry Moffit participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked part-time for the employer as a salad maker and cook in the employer's KFC franchise starting June 13, 2004. On October 7, 2004, the claimant went to the emergency room because of problems with swollen and painful hands and fingers. The doctor advised the claimant to wear arm braces and imposed lifting restrictions of no more than ten pounds. When the claimant provided the lifting restrictions to the employer, she was informed

that if there was any lifting involved, she should ask for help. The claimant continued to have problems with her fingers and hands, but she did not return to the doctor.

In early December 2004, the claimant provided the employer with a month's notice that she intended to quit employment to take a job with a trucking company. The claimant did not inform the employer that she was quitting due to any work-related medical problems. At the time the claimant left employment she had applied for but had not been offered a truck-driving job.

#### 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 section 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 evidence does not establish that the claimant voluntarily quit employment with good cause attributable to the employer. The claimant saw a doctor one time and the employer accommodated the lifting restriction imposed by the doctor. When she quit, she did not mention it was due to a work-related problem. She voluntarily quit employment without good cause attributable to the employer.

#### DECISION:

The unemployment insurance decision dated June 20, 2005, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/kjw