

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EDWARD C BARKER**  
Claimant

**APPEAL NO. 07A-UI-00100-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CECO CONCRETE CONSTRUCTION LLC**  
Employer

**OC: 11/26/06 R: 02  
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated December 21, 2006, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on January 22, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. No one 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 September 22, 2005 to July 21, 2006. The claimant broke his wrist working while for the employer. He was treated by a physician who excused him from working for one day. When the claimant gave the form to a supervisor, his supervisor insisted that he could not have a lost time accident and the claimant should go back and get a release to work. The claimant did as he was instructed.

The claimant was released to perform light-duty work but returned to work performing his normal job even though it was difficult to perform. The foreman on the job told him that he should think about working somewhere else because once he was released to return to work, the work was going to get very hard. The claimant was convinced that the foreman was trying to pressure him into quitting. He moved with the crew from Des Moines to Ames even though he had an option to be laid off because he needed the medical insurance coverage.

The claimant received a full release to return to work from his doctor around July 21, 2006. He reported to the jobsite with the release. He was called into the supervisor's office, and the supervisor and the foreman were there. The supervisor asked him whether he intended on staying or moving on. The claimant reasonably believed the supervisor wanted him to quit and the foreman would carry out his promise to make things hard for the claimant if he returned to work. Based on that, the claimant informed the employer that he would be leaving employment.

**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.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

The evidence establishes that the claimant quit employment due to intolerable working conditions. He was required to have his doctor change a medical excuse to avoid having a lost time accident, and he was not provided light-duty work as his doctor recommended. The foreman promised to make things hard on the claimant once he was released. The supervisor's question about whether he was staying or moving on seems odd since the claimant had been working all along and had just been released for full duty. The claimant's belief that the employer desired that he quit was reasonable.

**DECISION:**

The unemployment insurance decision dated December 21, 2006, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css