

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LASONIA R JACKSON**  
Claimant

**APPEAL NO. 07A-UI-08530-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FIRST JUDICIAL DIST DEPT OF  
CORRECTIONAL SERVICES/ADMN OFF**  
Employer

**OC: 08/12/07 R: 03**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Lasonia R. Jackson (claimant) appealed a representative's September 7, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of First Judicial Dept of Correctional Services (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 26, 2007. The claimant participated in the hearing with her witness, Lillie Simpson. Donna Wede and Tam De Maris appeared on the employer's behalf. 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.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in November 2003. The claimant worked as a full-time food service coordinator. De Maris supervised the claimant.

During her employment, the claimant did not believe the employer treated her fairly. The claimant did not like De Maris talking to her about complaints other employees reported to De Maris. In the claimant's opinion the complaints were unfounded, so De Maris should not have investigated the complaints or asked for the claimant's version of an incident. In May 2007 when a resident told the claimant she was going to be suspended, the claimant was upset that a resident knew about some disciplinary action before the employer told the claimant. In early May, the employer gave the claimant a five-day suspension.

The claimant had problems with both hands. After she reported the problems to the employer, the claimant was diagnosed with carpal tunnel syndrome in both hands. The employer

considered this a work-related injury that was covered under workers' compensation. The employer required the claimant to see the employer's workers' compensation doctor.

Initially, the claimant was told she could have surgery on her hands in July. July was not convenient for the claimant's mother, Lillie Simpson. Simpson wanted to an opportunity to take time off work to be with the claimant when she had her surgery. To accommodate her mother's schedule, the claimant delayed her surgery until September. As a result of delaying the surgery, the claimant continued experiencing a great deal of pain in her hands. The pain she experienced was to the extent she did not did not work some days even though the workers' compensation doctor released the claimant to work with work restrictions.

Since the claimant had been released to work, when she did not work she used her accumulated sick leave and vacation time. As of August 2, the claimant did not have any more sick leave or vacation time available to use.

The workers' compensation doctor tried prescribing various prescriptions in an attempt to find the claimant some relief from the pain she experienced until she had her surgery. As of July 31, the prescriptions the claimant tried were not working. On July 31, the claimant did not feel well and went to her personal physician. The claimant's doctor told her to stop taking some of the prescribed medication and excused her from work - July 31 through August 4. The claimant did not report to work on August 1 and gave the employer her doctor's note. De Maris contacted the claimant because the employer could not accept the claimant's physician's excuse if the claimant wanted to be paid under workers' compensation for time she did not work. When De Maris talked to the claimant on August 1, she also reminded the claimant that starting August 23, her shift would change so she would be working 10:30 a.m. to 6:00 p.m. instead of 5:00 a.m. to 1:00 p.m. The employer informed the claimant of this shift change on July 23, 2007. The claimant did not want to change her hours of work even though she had worked them before. The employer changed the hours the claimant worked so she would not have to work alone and other employees could help her. The employer understood the claimant did not want her hours changed because she would then have to pay someone to take care of her children.

The claimant wanted to be paid for time she was off work and saw the workers' compensation doctor on August 1. The employer's workers' compensation doctor did not excuse the claimant from working through August 4 as her own physician had done. Instead, the workers' compensation doctor indicated she was released to work with the same restrictions. The claimant was frustrated with the workers' compensation doctor, but reported to work on August 2 at 5:00 a.m. as scheduled. The claimant left work early, around 7:00 a.m. because her hands hurt so much.

After the claimant left work on August 2, she was frustrated because she did not have any sick leave or annual left. The claimant did not understand that when she was unable to work, she would receive workers' compensation benefits. As a result of being in pain, frustration with having to follow the workers' compensation physician's instructions, and having her hours changed the claimant told the employer on August 2 she was quitting effective immediately.

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

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

While it is understandable that the claimant delayed her surgery to accommodate her mother's schedule so her mother could help her and be with the claimant when she had the surgery. The claimant's decision to delay the surgery meant she had to endure the pain in her hands that much longer. It is also understandable that claimant was extremely frustrated after the workers' compensation doctor would not excuse her from working for a few days as the claimant's personal physician had done. The claimant did not appear to receive the guidance or direction from her union that she wanted. This may be because what the claimant wanted she could not have since she was covered under workers' compensation.

The claimant asserted the employer harassed her, but the facts do not support this allegation. 871 IAC 24.26(4). The claimant indicated that if she had more sick time and annual to use when she did not work, she would have continued employment.

The claimant established compelling reasons for quitting. The facts do not, however, establish that she quit for reasons that qualify her to receive unemployment insurance benefits. As of August 12, 2007, the claimant is not qualified to receive unemployment insurance benefits.

**DECISION:**

The representative's September 7, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 12, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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