

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROBYN A ENGEN
Claimant

BEATON INC
Employer

APPEAL NO. 17A-UI-06316-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/15/17
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 15, 2017, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 10, 2017. Claimant participated and was represented by attorney Larry Woods. Employer failed to respond to the hearing notice and did not participate. Claimant's Exhibit A was admitted into evidence.

ISSUES:

Whether claimant quit for good cause attributable to employer?

Whether claimant is able and available for work?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 3, 2017. Claimant had been hired on March 27, 2017 to work part time as a cashier at the drive thru window and as a dishwasher.

Claimant worked a few days, but after work on April 3, 2017 where she'd spent hours doing dishwashing, her previously incurred back injury acted up to such an extent that claimant knew she could no longer continue with her employment.

Claimant did not disclose her previous back injury, which had occurred years earlier, to her employer prior to her hire. Claimant did not request accommodations when her back pain flared up, but rather chose to simply end her employment.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because claimant's back injury was irritated by claimant's work for employer. Claimant, when hired, knew what her job assignments would be. Claimant did not alert employer at the time of hire of her back injury, nor did she request that an accommodation be given to her by employer prior to claimant's decision to quit work.

DECISION:

The decision of the representative dated June 15, 2017, reference 03, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn