

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAI VANG
Claimant

PRINCIPAL LIFE INSURANCE CO
Employer

APPEAL 16A-UI-13299-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/27/16
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.26(6)b – Quit Due to Work-Aggravated Medical Condition

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 13, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant failed to establish that he quit with good cause attributable to his employer. The parties were properly notified of the hearing. A telephone hearing was held on January 5, 2017. The claimant, Jai Vang, participated. The employer, Principal Life Insurance Company, sent in a notice that they were not going to participate in the hearing.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time, most recently as a customer service representative, from January 4, 2016, until November 26, 2016, when he quit for medical reasons. When claimant began his employment, he was given hands-on training that went well and helped him succeed. In approximately September 2016, the employer notified him that he was only allowed to go to one person for training and help, and that person worked from home and was available primarily through instant messenger. Around this same time, claimant saw his doctor and was diagnosed with depression and anxiety. Claimant struggled with using the off-site training resource. Both his doctor and his psychiatrist recommended that he no longer work for the employer, due to the stress his employment was causing him. Claimant had a conversation with his manager and reported that he needed hands-on training due to his medical condition and the effect of the work environment on his condition. Claimant's manager told him that the employer did not have resources available to help him. She suggested claimant try Skype as a means of communicating with the off-site trainer, but no one showed claimant how to use Skype. Claimant ultimately quit his employment because nothing was changing in his work environment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from employment was with good cause attributable to the employer. Benefits are allowed.

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 Admin. Code r. 871-24.26(6)b 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:

(6) Separation because of illness, injury, or pregnancy.

b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A notice of an intent to quit had been required by *Cobb v. Emp't Appeal Bd.*, 506 N.W.2d 445, 447-78 (Iowa 1993), *Suluki v. Emp't Appeal Bd.*, 503 N.W.2d 402, 405 (Iowa 1993), and *Swanson v. Emp't Appeal Bd.*, 554 N.W.2d 294, 296 (Iowa Ct. App. 1996). Those cases required an employee to give an employer notice of intent to quit, thus giving the employer an opportunity to cure working conditions.

Here, claimant testified that he had been diagnosed with depression and anxiety, both of which were exacerbated by his work environment. Specifically, claimant was struggling with his lack of available hands-on training. Claimant reported this issue to the employer, and he was told that did not have the resources to give him proper training. Claimant's physician also had

contact with the employer to communicate the nature and gravity of claimant's diagnosis and his need for an improved work environment. Claimant has met his burden of proof to show that (1) he had a medical issue that was aggravated by his working conditions; (2) he informed the employer of his medical issue; and (3) he notified the employer that he needed to end his employment if he was not given the type of training he needed. Claimant has established he separated from his employment with good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible.

DECISION:

The December 13, 2016, (reference 01) unemployment insurance decision is reversed. Claimant quit the employment with good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

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