

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

ALEX J AXLINE
802 – 17TH ST SW
CEDAR RAPIDS IA 52404

PMX INDUSTRIES INC
5300 WILLOW CREEK DR SW
CEDAR RAPIDS IA 52404

Appeal Number: 05A-UI-03577-HT
OC: 03/06/05 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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Quit

STATEMENT OF THE CASE:

The claimant, Alex Axline, filed an appeal from a decision dated March 31, 2005, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on April 25, 2005. The claimant participated on his own behalf. The employer, PMX Industries, participated by Human Resources Manager Tammie Klamann.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Alex Axline was employed by PMX from March 23, 1998 until March 4, 2005. He was a full-time shipping and receiving clerk.

The claimant had a non-work-related medical condition which imposed restrictions of not lifting more than 20 pounds and no repetitive lifting, sitting or bending. There were no jobs he could do with those restrictions and no way modifications could be done to his current job duties. He was advised to take short-term disability for 18 weeks, which would have ended in July 2005. He chose to resign effective immediately on March 4, 2005.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is.

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 claimant quit due to non-work-related medical condition. His doctor did not recommend he quit and he could have retained his employment by availing himself of the short-term disability, but he chose to quit. The record establishes there was no good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of March 31, 2005, reference 02, is affirmed. Alex Axline is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

bgh/sc