

was unable to continue working for the employer for medical reasons and provided a doctor's statement confirming this.

The claimant brought the note in to her supervisor. Her supervisor asked for an opportunity to speak to the claimant about the situation, but the claimant told her supervisor that she did not want to discuss the matter and was quitting employment. The claimant had not previously notified the employer that she intended to quit her employment unless the employer corrected the problems leading her to medical condition or accommodated her medical problems.

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.

The unemployment insurance rules provide that a claimant is qualified to receive benefits if compelled to leave employment due to a medical condition attributable to the employment. The rules require a claimant: (1) to present competent evidence that conditions at work caused or aggravated the medical condition and made it impossible for the claimant to continue in employment due to a serious health danger and (2) to inform the employer before quitting of the work-related medical condition and that she intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b.

The claimant has not satisfied the condition for eligibility found in 871 IAC 24.26(6)b. She never notified the employer that she intended to quit unless the problem was corrected or her condition was reasonably accommodated.

The unemployment insurance law provides that individual is qualified to receive benefits if she: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that she needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but her regular work or comparable suitable work was not available. Iowa Code Section 96.5-1-d.

The claimant has satisfied the requirement (1) and (2) above but has not offered to return to work for the employer after being released by her physician. Therefore, she is disqualified from receiving unemployment insurance benefits until she either (1) offers to return to work after being fully released by her doctor but there is no suitable work available or (2) has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

DECISION:

The unemployment insurance decision dated September 7, 2005, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she either (1) offers to return to work after being fully released by her doctor but there is no suitable work available or (2) has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/kjw