

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ZACHARY WYATT

Claimant

APPEAL NO: 21A-UI-04679-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS ENTERPRISES INC

Employer

OC: 12/08/19

Claimant: Appellant (1)

Iowa Code §96.5(1) –Voluntary Quit

STATEMENT OF THE CASE:

The claimant, Zachary Wyatt, filed a timely appeal from the January 27, 2021, reference 03, decision that disqualified him for benefits and the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on November 20, 2020 without good cause attributable to the employer. After due notice was issued, a hearing was held on April 12, 2021. Claimant participated. Stacey Roupe represented the employer. Exhibits A and B were received into evidence.

ISSUE:

Whether the claimant's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed by Wells Enterprises, Inc. as a Supervisor 1 from August 2020 until November 27, 2020, when the claimant voluntarily quit. The claimant left the employment due to the inherent stress involved in the supervisory position and its impact on the claimant's military service based mental health disability. Prior to leaving the employment, the claimant did not request accommodations that might have enabled the claimant to continue in the employment. The employer continued to have full-time work available at the time the claimant left the employment. The claimant's decision to leave the employment was not based on advice from a licensed and practicing physician.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1)(d) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Iowa Administrative Code rule 817-24.26(6) provides as follows:

Separation because of illness, injury, or pregnancy.

a. Nonemployment related separation. The claimant left because of illness, injury or pregnancy upon the advice of a licensed and practicing physician. Upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available. Recovery is defined as the ability of the claimant to perform all of the duties of the previous employment.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The evidence in the record establishes a voluntary quit that was without good cause attributable to the employment. The claimant left the employment due to the inherent stress of the supervisor position and its impact on the claimant's mental health disability. The claimant did not request accommodations prior to leaving the employment and the quit was not based on advice from a licensed and practicing physician. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit

amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

DECISION:

The January 27, 2021, reference 03, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The quit was effective November 27, 2020. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.



James E. Timberland
Administrative Law Judge

April 30, 2021
Decision Dated and Mailed

jet/scn

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>.