

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**STACY L VONK**  
Claimant

**APPEAL NO. 11A-UI-13597-ST**

**ADMINISTRATIVE LAW JUDGE  
NUNC PRO TUNC DECISION**

**TPI IOWA LLC**  
Employer

**OC: 09/18/11  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.26(6)b – Employment Separation/Job Related Injury

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated October 5, 2011, reference 01, that held she voluntarily quit without good cause on September 16, 2011, and which denied benefits. A hearing was held on November 8, 2011. The claimant participated. Dianelle Williams, labor coordinator, participated for the employer. Employer Exhibit 1 was received as evidence.

**ISSUE:**

The issue is whether the claimant voluntary quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the witness testimony and having considered the evidence in the record, finds that: The claimant was hired as a full-time manufacturing associate on October 18, 2010 and last worked for the employer on September 16, 2011. After a few months of employment, the claimant had an allergic outbreak of dermatitis that was diagnosed by the employer's workers' compensation doctor. The claimant was treated with a hydro-cortisone cream and later moved to a different department.

Claimant was on leave due to pregnancy from about February to June 2011. Shortly after returning to work, she suffered further allergic reactions and dermatitis that was attributable to the dust from fiberglass at the workplace. The claimant had a serious reaction that caused her eyes to swell shut and she went back to the workers' compensation doctor on September 12. While the doctor stopped short of advising claimant to leave employment, there was nothing more medically that could be done to treat her condition.

In most cases, the employer provides employees with protective equipment that minimizes the skin contact, but this did not help claimant. There was no other accommodation the employer could offer claimant to prevent a further allergic reaction. Claimant's boyfriend works for the employer and she noted that even touching his clothes could produce an allergic reaction. Claimant met with the employer on September 16 to announce her decision to leave

employment due to health condition. Since her employment separation, the claimant has not suffered any further dermatitis outbreaks.

**REASONING AND CONCLUSIONS OF LAW:**

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.

871 IAC 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.

The administrative law judge concludes that the claimant was compelled to leave employment due to a job related health issue, which is considered an involuntary termination of employment and a good cause attributable to the employer effective September 16, 2011.

The claimant is allowed benefits due to her employment separation based on a job-related health issue that is work-related due to work environment conditions that caused her allergic reaction. The claimant was treated by the employer workers' compensation doctor because the dermatitis outbreak is work-related. The employer had no further accommodation to offer claimant, as it had used every reasonable means to alleviate the allergy/reaction issue.

Since the allergic reaction is job-related due to work environment conditions, there is no work availability issue, as the claimant has had no further health issue once removed from that environment.

**DECISION:**

The representative's decision dated October 5, 2011, reference 01, is reversed. The claimant's separation from employment effective September 16, 2011 is considered a voluntary quit with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/kjw