

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAVENITA G ISAAC
Claimant

AEROTEK INC
Employer

APPEAL 17A-UI-01540-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/15/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 8, 2017, (reference 02) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on March 3, 2017. Claimant participated. Employer did not participate.

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 began working for employer in 2015. Claimant was last assigned to work as a full-time customer service representative. Claimant resigned on June 7, 2016.

Claimant suffered a non-work related arm injury which led her to develop carpal tunnel syndrome in one arm. As a result, claimant experienced pain when typing and working as a customer service representative. When claimant saw her physician, she was instructed to request ergonomic adjustments in the workplace. Claimant made this request to employer. Employer is a temporary staffing firm. Employer instructed claimant that she needed to make the request to the client to whom she was assigned. Claimant was assigned to begin working for employer's client, Equifax, on June 6, 2016. Claimant had an emergency medical appointment due to arm pain and did not start the assignment. Claimant called employer and resigned because of her medical conditions. Claimant did not start the assignment with Equifax. Therefore, she never requested ergonomic changes to her work station from Equifax and did not warn employer she would resign if the changes were not made.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to employer.

A claimant is disqualified from receiving unemployment benefits if the claimant left work voluntarily without good cause attributable to the employer. Iowa Code § 96.5(1). A claimant who resigns for health reasons may be considered to have quit for good cause attributable to employer if certain criteria are met. Iowa Code § 96.5(1)(d). When a claimant resigns because of a health condition related to employment, the claimant is considered to have quit with good cause attributable to the employer if the claimant presents competent evidence showing health reasons related to the work justify the resignation, and before resigning the claimant informed the employer of the health condition and that he or she intended to quit unless the problem was corrected or a reasonable accommodation was provided. Iowa Admin. Code r. 871–24.26(6)(b). “Reasonable accommodation” is “other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.” *Id.*

The claimant has not established that the injury was caused by the employment but did establish that the medical condition would be aggravated by the work duties. However, claimant did not give employer an opportunity to provide accommodations that would allow her to do the work. Claimant decided to resign before even requesting the accommodations. Therefore, the claimant has failed to establish she resigned for a good cause reason attributable to employer.

DECISION:

The February 8, 2017, (reference 02) decision is affirmed. The claimant voluntarily left the employment without good cause attributable to employer. The claimant is disqualified from receiving benefits until she is deemed eligible.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

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