

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**SARAH M BAUER**  
Claimant

**APPEAL NO. 16A-UI-03981-TN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DONALDSON COMPANY INC**  
Employer

**OC: 02/28/16**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated March 31, 2016, reference 01, which denied unemployment insurance benefits finding that the claimant voluntarily quit work on July 29, 2015, because of a non-work-related illness or injury. After due notice was provided, a telephone hearing was held on April 20, 2016. The claimant participated. The employer participated by Ms. Amanda Shipp, Human Resource Supervisor.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered all the evidence in the record, the administrative law judge finds: Sarah Bauer was employed by the Donaldson Company, Inc. from November 2, 2012 until July 31, 2015, when she voluntarily tendered her resignation from employment. Ms. Bauer was employed as a full-time machine operator for the company and was paid by the hour.

Ms. Bauer's last day of work was January 29, 2015. At that time, Ms. Bauer experienced a medical problem with her shoulder. The claimant went to the emergency room and subsequently underwent surgery. The claimant's injury was not determined to be work related. Ms. Bauer chose to end her employment with the Donaldson Company on July 31, 2015, at that time her six-month absence and sickness leave was expiring and Ms. Bauer anticipated that her doctor would not release her to return to full-duty factory work.

Although the employer offered Ms. Bauer an additional leave of absence, the claimant elected to resign her position with the company.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(35) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(35) The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- (a) Obtain the advice of a licensed and practicing physician;
- (b) Obtain certification of release for work from a licensed and practicing physician;
- (c) Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
- (d) Fully recover so that the claimant could perform all of the duties of the job.

In the case at hand, Ms. Bauer chose to leave her employment with the Donaldson Company, Inc. on July 31, 2015 due to a non-work-related injury. The claimant had left work due to the non-work-related injury six months previously and the time allotted under the company's accident and sickness leave was expiring. Although the employer offered Ms. Bauer a leave of absence of a different kind, the claimant chose to quit her job because she anticipated that her doctor would not release her to return to factory work in the future and believed that her medical condition would not allow that type of work.

Ms. Bauer was released by her physician to perform light-duty type work on February 19, 2016, prior to Ms. Bauer opening her claim for unemployment insurance benefits.

The administrative law judge concludes that Ms. Bauer left her employment due to a non-work-related injury for reasons that were not attributable to the employer. Accordingly, unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

**DECISION:**

The representative's decision dated March 31, 2016, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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