

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHYLLIS J DECKER
Claimant

APPEAL NO. 08A-UI-07989-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLGENCORP INC
Employer

**OC: 08/10/08 R: 04
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit
Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 29, 2008, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on September 26, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Shannon Greenfield participated in the hearing on behalf of the employer. Exhibit A was admitted into evidence at the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?
Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant worked full time for the employer as a store manager of the employer store in Independence, Iowa. Shannon Greenfield, the district manager, was her supervisor.

For the last year of her employment, the claimant was suffering from upper digestive problems that caused her to vomit at night. She also developed a blood clot in her arm that was diagnosed in mid-June 2008. Her doctors advised her that while her health conditions were not caused by her work, they were aggravated by stress and physical demands of her job.

On July 7, 2008, the claimant submitted a two-week notice to Greenfield stating her intention to quit in two weeks and explaining why.

The claimant is able to work in a job that does not involve stooping, heavy lifting, or pushing. She is able to do sedentary work and is qualified to perform clerical work.

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 the claimant intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b.

The claimant has satisfied all the conditions of 871 IAC 24.26(6)b by providing medical evidence that her job was aggravating her medical conditions making it impossible for her to continue to work and by notifying the employer of her intention to quit employment due to these medical problems.

The unemployment insurance rules provide that a person must be physically able to work, not necessarily in the individual's customary occupation, but in some reasonably suitable, comparable, gainful, full-time endeavor that is generally available in the labor market. 871 IAC 24.22(1)b. The evidence establishes that the claimant was able to perform gainful work, just not work that requires heavy lifting, or stooping or pushing. There is work available in the labor market meeting such restrictions that the claimant is qualified to perform, and the claimant has been actively looking for such work in compliance with the requirements of the law.

DECISION:

The unemployment insurance decision dated August 29, 2008, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css