

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KIP R MALONE
Claimant

SMITHFIELD FARMLAND CORP
Employer

APPEAL NO. 16A-UI-12604-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/30/16
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 17, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 13, 2016. Claimant participated. Employer participated by Cindy Schwear and Becky Jacobsen. Claimant's exhibits A-C and employer's exhibits 1-3 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 15, 2016. Claimant was separated from work on October 25, 2016.

Claimant had been injured back in early 2015. Claimant stated that his injury occurred at work while employer stated that the injury occurred while claimant was on a cross-country drive. Claimant first complained of the injury, or of pain from the injury occurring during the cross-country drive.

Employer received information from claimant's doctor on or around April 27, 2015 releasing claimant back to work with no restrictions. Since that time claimant has complained of ongoing back pain, but has not forwarded any documents to employer stating that claimant has specific work restrictions. Documents shown to the Administrative Law Judge indicate that claimant wasn't to lift heavy objects, but didn't define what exactly were heavy objects. Employer had claimant trimming hams, but had hams of different sizes, and claimant could have been placed with a restriction-appropriate job if given guidance by a doctor. Employer was not given such guidance.

Claimant quit work on October 25, 2016 because he could no longer put up with his back pain. Prior to claimant's quit, he had not given employer any doctor's directive indicating work restrictions.

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of his ongoing back pain. Claimant did not provide employer guidance from a doctor whereby employer might have shifted duties or requirements from work while working. Absent this guidance, employer was not wrong to keep claimant in his current employment.

DECISION:

The decision of the representative dated November 17, 2016, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs