

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**REBECCA A WALSTON**  
Claimant

**APPEAL NO: 10A-UI-09589-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY  
CASEY'S GENERAL STORES**  
Employer

**OC: 05/09/10**

**Claimant: Appellant (4)**

Section 96.5-1-d – Voluntary Leaving/Illness or Injury  
871 IAC 24.25(35) – Separation Due to Illness or Injury

**STATEMENT OF THE CASE:**

Rebecca A. Walston (claimant) appealed a representative's June 25, 2010 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Casey's Marketing Company/Casey's General Stores (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 24, 2010. The claimant participated in the hearing. Mary Kinney appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant started working for the employer on May 12, 2009. She worked part time as a clerk and pizza maker in the employer's Griswold, Iowa store. Her last day of work was October 3, 2009.

The claimant began receiving treatment for a medical condition not related to the employment in October 2009 which her doctor indicated rendered her unable to work. When the claimant was still unable to return to work after about six months and had not made any arrangement as to when she could return to work, the employer deemed the claimant to have abandoned her position.

On or about April 30 the claimant contacted the employer and learned that she was longer in the system as an employee, but that she could reapply for employment. However, as of that time, and as of the date of the hearing, the claimant had still not been fully released by her doctor to work without restrictions.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit, she would not be eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Where the quit is for medical or health reasons, the quit is disqualifying at least until the claimant has recovered and seeks to return to work unless the medical or health issue is attributable to the employer. Iowa Code § 96.5-1; 871 IAC 24.25(35); 871 IAC 24.26(6)b.

Where a claimant has been compelled to leave employment upon the advice of her physician due to a medical or health issue not caused or aggravated by the work environment, the claimant is not eligible to receive unemployment insurance benefits until or unless the claimant then recovers, is released to return to work by her physician, and in fact does attempt to return to work with the employer. 871 IAC 24.25(35). Unemployment insurance benefits are not intended to substitute for health or disability benefits. White v. Employment Appeal Board, 487 N.W.2d 342 (Iowa 1992). A “recovery” under Iowa Code § 96.5-1-d means a complete recovery without restriction. Hedges v. Iowa Department of Job Service, 368 N.W.2d 862 (Iowa App. 1985). The claimant has not been released to return to full work duties. Accordingly, the separation is without good cause attributable to the employer and benefits must be denied until or unless she is fully released and does attempt to return to work with the employer.

**DECISION:**

The representative’s June 25, 2010 decision (reference 01) is modified in favor of the claimant. The claimant voluntarily left her employment without good cause attributable to the employer. As of October 4, 2009, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, or until she has been fully released and has offered to return to work and no work was available, provided she is then otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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