

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**NANCY L MANNING  
208 VINE ST  
PO BOX 4  
JACKSON NE 68743**

**PALMER & COMPANY  
PO BOX 326  
SIOUX CITY IA 51102**

**Appeal Number: 04A-UI-09766-CT  
OC: 02/01/04 R: 01  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Nancy Manning filed an appeal from a representative's decision dated August 31, 2004, reference 01, which denied benefits based on her separation from Palmer & Company (Palmer). After due notice was issued, a hearing was held by telephone on October 1, 2004. Ms. Manning participated personally. The employer participated by Bill Kennedy, Plant Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Manning was employed by Palmer from July 15 until

August 11, 2004 as a full-time, seasonal worker. She voluntarily quit the employment because the work caused her hands to hurt and because she wanted to go to school. She was not advised by a doctor to leave the employment as she did not see a doctor regarding her hands until two weeks after she left the employment.

Ms. Manning experienced pain in her hands when working in the "bing" room. Although she spoke with one or two other supervisors about openings in different departments, she never notified the employer that she intended to quit if an alternative placement was not found. If the problem had been reported to management, the employer would have sought a medical opinion as to what work was appropriate for Ms. Manning. Continued work would have been available if she had not quit.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Manning was separated from employment for any disqualifying reason. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Manning had the burden of proving that her quit was for good cause attributable to Palmer. Iowa Code section 96.6(2). Ms. Manning quit, in part, because of pain in her hands caused by the work. However, she did not give the employer a reasonable opportunity to address the problem before quitting. Where an individual quits employment for medical reasons attributable to the employment, she must first allow the employer an opportunity to correct the problem or to offer a reasonable accommodation. See Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). Moreover, Ms. Manning was not advised by a doctor to leave the employment. A quit for medical reasons without the advice of a doctor is a disqualifying separation. See Taylor v. Iowa Department of Job Service, 362 N.W.2d 534 (Iowa 1985).

Ms. Manning also quit her job with Palmer to go to school. An individual who quits employment to attend school is disqualified from receiving job insurance benefits. See 871 IAC 24.25(26). After considering all of the evidence, the administrative law judge concludes that Ms. Manning has failed to establish that she had good cause attributable to the employer for quitting. Accordingly, benefits are denied.

#### DECISION:

The representative's decision dated August 31, 2004, reference 01, is hereby affirmed. Ms. Manning quit her employment with Palmer for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/b