

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHELLY K KRAFT
Claimant

APPEAL NO. 09A-UI-09399-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRINITY REGIONAL MEDICAL CENTER
Employer

OC: 05/24/09
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 26, 2009, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 16, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Ted Vaughn participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked part-time as food service worker from April 21, 2008, to November 29, 2008. She was informed when she was hired that weekend work was required in the job. The claimant developed neck pain and stiffness after performing certain job tasks. Her doctor had taken her off work twice due to the problems with her neck.

The claimant returned to work with a release without restrictions on November 5, 2008, after being off work from October 31 through November 3. She continued to have problems with her neck and was dissatisfied with working weekends, so she decided to quit her employment and put in her two-week notice to quit on November 15.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant has not shown good cause attributable to the employer to quit employment. She was not advised by her doctor to leave employment as required by the unemployment law in Iowa Code § 96.5-1-d and there is no medical evidence that it was impossible for the claimant to continue in employment because of serious danger to her as required by the unemployment rule 871 IAC 24.26(6)b. Her dissatisfaction with working on weekends would not give her good

cause to leave employment because she was informed when she was hired that she would be working some weekends.

DECISION:

The unemployment insurance decision dated June 26, 2009, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css