

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTINE A GOODWIN**  
Claimant

**APPEAL NO. 13A-UI-06489-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO BANK NA**  
Employer

**OC: 04/28/13**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated May 21, 2013, reference 02, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 24, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing with her attorney, Jessica Taylor. Francis Landolphi participated in the hearing on behalf of the employer with a witness, Kerry White. Exhibits A, B, and C were admitted into evidence at the hearing.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant worked full time for the employer as a mortgage specialist from November 5, 2012, to early March 2013. In March 2013, she was hospitalized and then was on short-term disability through April 7, 2013. She was denied short-term disability after that because of lack of medical documentation. She did not challenge the denial.

The claimant was released to return to work without restrictions on April 29 and 30. She called in absent both days because she believed the job was too stressful.

On May 1 the claimant sent an email to her supervisor, Kerry White. In the email, the claimant stated "This is officially my letter of resignation. I would like to change my status to displaced worker." She explained that the job was too stressful for her and when she expressed concerns to White about the speed of the training she received, White would not take her seriously and would tell her that she would eventually get it. The claimant mistakenly believed that she could be placed on a displaced worker's list and would have 90 days to apply for open jobs with the employer.

The claimant filed a claim for unemployment insurance benefits during the week of April 28, 2013.

In fact, no displaced worker program existed for the claimant and she was not eligible to transfer to another job under the employer's policies because she had not been working for one year. The claimant was never laid off from her job. The claimant emailed and spoke to the employee relations consultant and accommodations consultant about the displaced worker's list but was told that they were unaware of any displaced worker's list available to the claimant.

Before resigning her job as a mortgage specialist, the claimant never presented medical evidence to the employer that conditions at work caused or aggravated the medical condition and made it impossible for her to continue in employment due to a serious health danger.

### **REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

The claimant in this case resigned from the job that she was hired to perform. She indicated that she did not intend to return to that job. The fact that she wanted to apply for other open positions that she thought would be a better fit for her does not change the fact that there was work available and she decided to resign from that job. Her actions amount to a voluntary quitting of employment.

There are two provisions of the unemployment insurance law that allow a claimant to leave employment due to medical reasons and receive benefits.

The law provides that claimant is qualified to receive benefits if she: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that she needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but her regular work or comparable suitable work was not available. Iowa Code § 96.5-1-d.

The claimant does not qualify for benefits under Iowa Code § 96.5-1-d. The claimant was released to return to work in her regular job, but she chose not to return because she determined the job was too stressful.

The 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 provided no medical evidence to the employer 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. In fact, the claimant had been released to return to work.

Finally, the claimant has not proven the employer caused the claimant to be subjected to intolerable and detrimental working conditions or other good cause attributable to the employer. See 871 IAC 24.26(4).

**DECISION:**

The unemployment insurance decision dated May 21, 2013, reference 02, 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.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs