

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA A DAVIS
Claimant

APPEAL NO: 13A-UI-02356-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MENARD INC
Employer

OC: 01/27/13
Claimant: Appellant (1)

Iowa Code § 96.5(1) - Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 20, 2013 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant participated in the hearing. Paul Hammell, the employer's attorney, Jess Feser, and Michael Fulwider appeared on the employer's behalf.

The information the claimant's chiropractor faxed on March 25 was not received by the administrative law judge until March 27, or a day after the hearing. Since the claimant did not know what information her chiropractor faxed and the employer did not have a have copy of it, the chiropractor's faxed information cannot be considered.

Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

In March 1997, the claimant started working full time for the employer. She worked as an account service manager.

In June 2012, the claimant had problems with her back. She gave the employer her chiropractor's statements to excuse her from reporting to work late after she had an appointment. The claimant did not ask the employer for any accommodations or present the employer with any work restrictions. Even though the claimant's chiropractor suggested she reduce the number of hours she worked, she continued working full time. The claimant did not notify the employer that she had on-going back issues.

The claimant gave the employer a two-week resignation notice. Her notice indicated she was quitting to spend more time being a mom. The claimant's husband had recently been in an

accident and she needed to take him to appointments. The claimant did not let the employer know she was quitting because she had back problems. The claimant's last day of work was January 25, 2013. Even though the claimant was potentially eligible for a leave of absence under the Family Medical Leave Act, she did not ask for a leave of absence.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant is qualified to receive benefits when she is compelled to leave because of an injury that is attributable to the employment. The claimant must show:

1. Competent evidence showing adequate health reasons to justify quitting.
2. Before quitting the claimant must tell the employer of the work-related health problem.
3. Tell the employer that she intends to quit unless the problem is corrected or is reasonably accommodated.

871 IAC 24.26(6)b.

The claimant does not satisfy the requirements of 871 IAC 24.26(6)b. Therefore, she did not establish that she quit because of an injury that is attributable to the employment. Instead, the claimant established compelling personal reasons for quitting, taking her husband to medical appointments and being a mom to her children. While there is nothing wrong in quitting for these reasons, they do not qualify her to receive benefits. As of January 27, 2013, the claimant is not qualified to receive benefits.

DECISION:

The representative's February 20, 2013 determination (reference 01) is affirmed. The claimant voluntarily quit her employment for personal reasons, but did not establish she quit for reasons that qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of January 27, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs