

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EDWARD D OLSON
Claimant

APPEAL NO: 15R-UI-01270-D

**ADMINISTRATIVE LAW JUDGE
DECISION**

MAHASKA COUNTY HOSPITAL
Employer

OC: 10/12/14
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Edward D. Olson (claimant) appealed a representative's November 4, 2014 (reference 01) decision that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment after a separation from employment from Mahaska County Hospital (employer). After hearing notices were mailed to the parties' last-known addresses of record, an in-person hearing was held on March 25, 2015. The claimant participated in the hearing. The employer received the notice of the hearing, but rather than participating directly, it requested that its submitted written documentation be considered in lieu of participation. This was admitted into the record as Employer's Exhibit One. Dixie Meyer served as interpreter. 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?

OUTCOME:

Reversed. Benefits allowed.

FINDINGS OF FACT:

The claimant started working for the employer on April 25, 2014. He worked full time in housekeeping on a night shift beginning at 2:30 p.m. His last day of work was August 8, 2014. He voluntarily quit work as of that date.

The claimant is substantially hearing impaired. The employer was aware of this when he was hired, and was advised that he would need various accommodations in order to carry out his job. The employer did not provide all of the necessary accommodations, which resulted in the claimant being left out of many communications. Rather than provide the necessary accommodations, the employer felt the claimant was being non-communicative and was not trying to get along with other employees. When the employer continued to find fault with the

claimant's lack of communication caused by the employer's lack of providing accommodations, the claimant determined to quit the employment.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. "Good cause attributable to the employer" does not require fault, negligence, wrongdoing or bad faith by the employer, but may be attributable to the employment itself. *Dehmel v. Employment Appeal Board*, 433 N.W.2d 700 (Iowa 1988); *Raffety v. Iowa Employment Security Commission*, 76 N.W.2d 787 (Iowa 1956). While the employer may have had a good business reason for not providing the claimant with all the accommodations necessary to allow him to perform his job duties, this was good cause for the claimant to quit. Benefits are allowed.

DECISION:

The representative's November 4, 2014 (reference 01) decision is reversed. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/can