

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL A MILLER
Claimant

APPEAL NO. 06A-UI-09334-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PELLA CORPORATION
Employer

OC: 08/20/06 R: 03
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Michael Miller filed an appeal from a representative's decision dated September 15, 2006, reference 01, which denied benefits based on his separation from Pella Corporation. After due notice was issued, a hearing was held by telephone on October 12, 2006. Mr. Miller participated personally and Exhibit A was admitted on his behalf. The employer participated by Tiffany Weaver, Human Resources Representative; Troy Adam, Department Manager; and Ben Vanderwilt, Production Manager. The employer was represented by Richard Carter of Talx Corporation.

ISSUE:

At issue in this matter is whether Mr. Miller was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Miller was employed by Pella Corporation beginning January 10, 2005. He worked full time as a utility operator. On August 2, 2006, Mr. Miller notified his supervisor, Troy Adam, he was quitting because of family problems. Mr. Adam attempted to discuss the particulars of his decision to quit, but Mr. Miller was anxious to leave. Mr. Miller did not cite medical problems as a reason for his decision to quit.

Mr. Miller was placed on light-duty work in October of 2005 based on the recommendation of his doctor. In December, the employer requested an updated statement from his doctor to verify the continuing need to be on light-duty work. On January 4, he indicated he wanted to see the company doctor because he felt his condition was work-related. In a report dated June 2, the company doctor released Mr. Miller to full duty. He was off work from May 18 until July 10 because of surgery on his toe.

When he returned to work on July 10, Mr. Miller was placed back on his utility operator position. He worked in this position from July 10 until August 2 without complaint. He did not see the company nurse during this period. He had found in the past that having the nurse apply heat to

his injury gave him some relief from his symptoms. On July 25, Mr. Adam asked Mr. Miller how he was feeling and he responded that he was feeling good. Mr. Miller had not presented the employer with any statement from his personal physician since that of October, 2005. Although he was advised by his doctor to seek different work, Mr. Miller did not advise the employer that his doctor recommended he quit. Continued work would have been available if Mr. Miller had not quit on August 2, 2006.

REASONING AND CONCLUSIONS OF LAW:

Mr. Miller voluntarily quit his employment with Pella Corporation. 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). Mr. Miller quit because his doctor advised that he not perform work that required repetitive motions with his hands. The fact that his doctor may have advised him to quit does not, in and of itself, entitle him to job insurance benefits. Where an individual quits employment because of a medical condition caused or aggravated by the employment, he must first notify the employer of the medical condition and must advise the employer that he intends to quit if his condition is not accommodated. Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993).

It is clear from the record that the employer was aware of Mr. Miller's history of problems with his hands. However, the employer was not aware as of August 2 that he was continuing to have problems. He did not present any recommendation from his family doctor after October of 2005 indicating that he needed to remain on light-duty work. He had been released to full duty by the company doctor in June and was placed back on his normal job as a utility operator on July 10. Mr. Miller did not see the company nurse after his return on July 10 and told his supervisor on July 25 that he was feeling good. Given the above factors, the employer had no way of knowing that Mr. Miller again needed an accommodation for his condition.

Because Mr. Miller gave the employer no notice that he was continuing to have problems, the employer was deprived of a reasonable opportunity to try to place him in a position that would accommodate his condition. The employer had accommodated him in October based on recommendations of his personal physician. The administrative law judge believes the employer would have again accommodated him had it known the problem was continuing. Moreover, Mr. Miller would not remain and discuss with his supervisor the reason he was quitting.

Inasmuch as the employer was not given an opportunity to try to accommodate Mr. Miller's condition as of August 2, 2006, it is concluded that his quit was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated September 15, 2006, reference 01, is hereby affirmed. Mr. Miller voluntarily quit his employment for no good cause attributable to the employer.

Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs