

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICIA M WILSON**  
Claimant

**APPEAL NO. 13A-UI-02386-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SPECIALIZED SUPPORT SERVICES INC**  
Employer

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

Section 96.5-1 – Voluntary Quit  
Section 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the representative's decision dated February 22, 2013, reference 01, which held that the claimant was not eligible for unemployment insurance benefits. After due notice was issued, a hearing was held by telephone conference call on March 26, 2013. The claimant participated personally. The employer participated by Teresa Hartman, Executive Director. The record consists of the testimony of Patricia Wilson; the testimony of Teresa Hartman; and Employer's Exhibits One and Two. Concerning the exhibits, the employer was asked to fax in the claimant's letter of resignation after it was read into the record by the employer. The claimant had no objection. The employer also faxed in the doctor's statement dated October 26, 2012, which was extensively referred to by both the claimant and the employer. This was marked and received into evidence as Employer's Exhibit Two.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge makes the following findings of fact:

The employer is an agency that provides assistance to individuals with mental health difficulties. The claimant was hired on September 2, 2011, as direct care staff. She was a full time employee. The claimant's last day of actual work was June 26, 2012. The claimant voluntarily resigned her job on or about October 26, 2012. Her reason for resigning was ongoing difficulties with her leg after a non-work-related injury on June 1, 2012.

The claimant's resignation letter stated:

Do [sic] to unforeseen [sic] problems from my leg injury I can no longer work for your company.

(Exhibit 1)

Work was available at the time the claimant elected to resign.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The claimant is not eligible for unemployment insurance benefits. The greater weight of the evidence is that the claimant chose to quit her job even though her physician had released her to return to work. She testified that despite the release from her physician, she was still weak and unable to do the walking and other physical activity that was associated with her job. Her resignation statement is unequivocal that she was quitting because of her health. The claimant may have had good personal reasons for quitting, but these reasons are not attributable to the employer. Benefits are denied.

**DECISION:**

The unemployment insurance decision dated February 22, 2013, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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