

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID A WHITE**  
Claimant

**APPEAL NO. 06A-UI-11366-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SCHWAN'S CONSUMER BRANDS**  
Employer

**OC: 10/22/06 R: 03  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated November 17, 2006, reference 01, that concluded he voluntarily left employment without good cause attributable to the employer. A telephone hearing was held on December 12, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Randy Smith participated in the hearing on behalf of the employer.

**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 route driver from September 11, 2006, to October 22, 2006. When the claimant was hired, he was informed that the job would require him to spend 12 hours per day selling products in his assigned territory. No representation was made about the total number of hours he would spend actively working in a day.

The claimant suffers from migraine headaches that can be triggered by stress. During the claimant's training period, he rode along with another driver. Around the time the claimant's employment ended, he was to start driving his own route. The claimant began having problems with his back that he attributed to the jostling from the truck. This in turn triggered migraine headaches that interfered with the claimant's sleep.

The claimant left a note in the office on October 22, 2006, stating that for health reasons he could not continue to work. The claimant left work because he felt the number of hours were excessive, the truck was causing problems with his back, and he was experiencing migraines. The claimant did not seek medical treatment and was not advised by a doctor to leave employment. The claimant never indicated to the employer that he was quitting employment unless conditions at work were remedied.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The unemployment insurance 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 he intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b.

The claimant has not satisfy the conditions of 871 IAC 24.26(6)b since there is no medical evidence specifically regarding the claimant's job with the employer that would indicate a serious health danger. Furthermore, the claimant did not inform the employer before quitting of his intention to quit unless the problem was corrected. Finally, the evidence fails to establish that the number of hours of work per day was misrepresented to the claimant.

**DECISION:**

The unemployment insurance decision dated November 17, 2006, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css