

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

TIMOTHY J SMITH
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Appeal Number: 05A-UI-04168-DWT
OC: 01/09/05 R: 04
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Sectoin 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Timothy J. Smith (claimant) appealed a representative's April 15, 2005 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Labor Ready Midwest, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 11, 2005. The claimant participated in the hearing. Dennis Holman, the branch manager, appeared on the employer's behalf. 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 his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant registered to work for the employer on April 5, 2004. On October 12, 2004, the claimant injured himself while on a job the employer had assigned to him. From October 12, 2004 through March 20, 2005, the claimant was restricted to light-duty work. While the claimant was restricted to light-duty work, the employer assigned him light-duty work, which primarily consisted of cleaning the employer's office.

On March 20, 2005, the claimant's doctor released the claimant work to full-time without any work restrictions. After the claimant was released to work without any restrictions, he informed the employer he wanted to be assigned light-duty work. The claimant did not want to get hurt at work again. The claimant even indicated the business in which he wanted the employer to assign him to work. The employer did not assign the claimant to light-duty work because the claimant was released to work without any work restrictions.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code § 96.5-1, 2-a. The claimant quit working for the employer when he informed the employer he would only accept light-duty job assignments. The claimant even named the business in which he would accept an assignment. The claimant wanted light-duty job assignment even though the claimant's doctor released him to work without any work restrictions on March 20, 2005. The claimant asserted he would only accept light-duty work, in contradiction to his doctor's work release, because he did not want to receive another work-related injury. He decided he would avoid anymore physical job assignments. The claimant established compelling personal reasons for quitting. His reasons do not, however, qualify him to receive unemployment insurance benefits. As of March 20, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's April 15, 2005 decision (reference 03) is affirmed. The claimant voluntarily quit his employment for compelling personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 20, 2005. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

dlw/sc