

**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**

**SALLY A HANSEN  
2659 SARATOGA  
WATERLOO IA 50702**

**OMEGA CABINETS LTD  
1205 PETERS DR  
WATERLOO IA 50703**

**Appeal Number: 04A-UI-00662-DWT  
OC 12/07/03 R 03  
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, 4<sup>th</sup> 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 are 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Sally A. Hansen (claimant) appealed a representative's January 12, 2004 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Omega Cabinets Ltd. (employer) would not be charged because she had voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 20, 2004. The claimant participated in the hearing. Josh Schmidt, a human resource generalist, 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 her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in June 2002. The claimant worked full-time. From September 21 through October 14, 2002, the employer placed the claimant on short-term disability after the claimant's doctor restricted her from working due to a medical condition. The claimant returned to work.

In early February 2003, the claimant's doctor advised her to reduce the number of hours she worked for medical reasons. The claimant was working 45 to 55 hours and wanted to work part-time or be allowed a leave of absence. On February 8, 2003, the claimant talked to her supervisor and the second shift supervisor. The claimant learned she was not eligible to receive a leave of absence under FMLA. The claimant understood the employer would not reduce the number of hours she worked. After the claimant learned she was not eligible for FMLA, she told her supervisor she would have to quit in two weeks. The claimant did not provide the employer with a doctor's statement or ask anyone in the human resource department for assistance. The claimant did not return to work after February 22, 2003.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause. Iowa Code §96.5-1. The claimant voluntarily quit her employment. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant has quit for reasons that qualify her when she is compelled to leave because of a medical condition that is attributable to the employment and continued employment would cause serious problems to the claimant's health. Before a claimant is qualified to receive benefits, she must present competent evidence establishing adequate health reasons to justify termination and she must inform the employer she plans to quit unless accommodations are made. 871 IAC 24.26(6)(b). The claimant did not present competent evidence, such as a doctor's statement, confirming her health reasons and had been advised to quit her employment. Since the claimant had been on short-term disability in late September and early October, the administrative law judge is concerned about the claimant's failure to contact the employer's human resource department to see if this was again a possibility. The claimant did not meet the requirements of 871 IAC 24.26(6)(b). The claimant established compelling personal reasons for quitting. She did not, however, establish that the reasons she quit qualify her to receive unemployment insurance benefits. As of December 7, 2003, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's January 12, 2004 decision (reference 02) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 7, 2003. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/kjf