

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DERRIC R DAVIS
Claimant

APPEAL NO. 09A-UI-09063-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND EXPRESS INC OF IOWA
Employer

OC: 05/17/09
Claimant: Respondent (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Heartland Express, filed an appeal from a decision dated June 16, 2009, reference 01. The decision allowed benefits to the claimant, Derric Davis. After due notice was issued a hearing was held by telephone conference call on July 10, 2009. The claimant participated on his own behalf. The employer participated by Human Resources Generalist Lea Peters. Exhibit One was admitted into the record.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Derric Davis was employed by Heartland Express from July 30, 2008 until May 7, 2009 as a full-time over-the-road driver. He was put on a 15-day medical leave of absence on April 22, 2009, because he had had a diabetic incident the day before. Mr. Davis was on oral insulin for high blood sugar but then his glucose levels went out of control.

The claimant immediately sought medical attention and his doctor prescribed insulin injections from that point onward. The regulations of the federal department of transportation prohibit anyone who is receiving insulin injections from operating a truck. Mr. Davis was still on insulin injections after the 15-day leave of absence expired, and his doctor had not released him to return to work. When he notified the employer of this he was considered a voluntary quit.

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.

The claimant was essentially laid off for lack of work. Although he is ready and willing to work, he is prohibited from doing so by the regulations of the federal department of transportation. The employer could not legally put him back to driving truck while he is still receiving insulin injections. Where illness or disease directly connected to the employment make it impossible for an individual to continue in employment because of a serious danger to health, termination of employment for that reason is involuntary and for good cause attributable to the employer even if the employer is free from all negligence or wrongdoing. *Raffety v. IESC*, 76 N.W.2d 787 (Iowa 1956).

DECISION:

The representative's decision of June 16, 2009, reference 01, is affirmed. Derric Davis is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css