

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE FITZGERALD**  
Claimant

**APPEAL NO: 17A-UI-01578-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 06/05/16**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the February 8, 2017, reference 03, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on March 6, 2017. The claimant did not respond to the hearing notice and did not participate in the hearing. Sarah Fiedler, Human Resources Generalist, participated in the hearing on behalf of the employer. Employer's Exhibits 1 and 2 were admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time general labor production worker for Team Staffing Solutions last assigned to S & J Tube from September 28, 2016 to December 5, 2016. She voluntarily left her employment because she suffered an injury with a previous employer unrelated to Team Staffing and her physician told her if she continued working while involved in the lawsuit due to the injury he would no longer continue to treat her (Employer's Exhibit 1). The claimant provided the employer with a medical excuse stating she was "unable to work at this time" (Employer's Exhibit 2).

The claimant has been disqualified from receiving unemployment insurance benefits because she is not able and available for work.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 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.

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 from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant voluntarily left her employment after her physician stated he would no longer treat her while she was involved in a lawsuit unrelated to the employer if she continued working. That doctor also provided a note stating the claimant was no longer able to work at this time. The claimant has not established that her leaving was attributable to the employer. Therefore, benefits must be denied.

The claimant has been disqualified from receiving unemployment insurance benefits because she is not able and available for work. Consequently, there is no overpayment of benefits in this case.

**DECISION:**

The February 8, 2017, reference 03, decision is reversed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The claimant has not received any unemployment insurance benefits since her separation from this employer. Therefore, there is no overpayment of benefits.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/rvs