

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RHONDA HOUGLAND
Claimant

APPEAL NO: 10A-UI-02255-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP
Employer

OC: 02/01/09
Claimant: Respondent (2/R)

Iowa Code § 96.5-1 - Voluntary Quit
Iowa Code § 96.3-7 - Overpayment

STATEMENT OF THE CASE:

Cargill meat Solutions Corporation (employer) appealed an unemployment insurance decision dated February 3, 2010, reference 01, which held that Rhonda Houglan (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 30, 2010. The claimant provided a telephone number but was not available when that number was called for the hearing, and therefore, did not participate. The employer participated through Jessica Sheppard, Human Resources Associate. Employer's Exhibits One and Two were admitted into evidence. 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:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time production worker from October 26, 2009 through January 15, 2010. Prior to accepting employment, the claimant was given a tour of the facility and she saw that she would be working in a cold environment. The employer advised her she did not have to go through with the interview if she changed her mind after visiting the facility but she proceeded to accept employment.

The claimant submitted her voluntary resignation on January 5, 2010 due to medical reasons. She was not going to be discharged as she was a good employee and there was continuing work available. Other than a cut on December 30, 2009, the employer had no knowledge of the claimant sustaining any work-related medical injuries. She did not notify the employer of an alleged work-related medical illness or injury prior to quitting. After her resignation, she submitted a doctor's note on January 14, 2010. Dr. Donald Wirtanen stated that he is the claimant's primary care physician and "I am concerned that her present job situation is

detrimental to her health. She has exhibited both physical and emotional changes since she has been at her present employment. Please consider allowing her to find other employment that might be more suitable for her physical and emotional well being.” The employer witness had no knowledge that this physician had ever visited the claimant’s work site.

The claimant filed a claim for unemployment insurance benefits effective January 10, 2010 and has received benefits after the separation from employment.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant’s voluntary separation from employment qualifies her to receive unemployment insurance benefits.

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.

871 IAC 24.25(36) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(36) The claimant maintained that the claimant left due to an illness or injury which was caused or aggravated by the employment. The employer met its burden of proof in establishing that the illness or injury did not exist or was not caused or aggravated by the employment.

It is the claimant’s burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. The claimant contends she quit her employment due to work-related medical reasons and although she did provide a generalized medical letter which states her job situation is detrimental to her health, neither she nor her doctor explain how or why the job is detrimental to her health. Furthermore, there is no alleged injury in the medical letter. The claimant complained to the employer that she did not like working in the cold but she knew that at the time of hire. The law presumes it is a quit without good cause attributable to the employer when an employee leaves because of dissatisfaction with the work environment. 871 IAC 24.25(21).

Regardless, if an individual leaves employment because of a medical condition that is caused or aggravated by the employment, she must first put the employer on notice of the medical problem and must advise the employer that she intends to quit if the medical condition is not accommodated. Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993). Inasmuch as the claimant did not give the employer an opportunity to resolve her complaints prior to

leaving employment, the separation was without good cause attributable to the employer. Benefits are denied.

Iowa Code § 96.3(7) provides that benefits must be recovered from a claimant who receives benefits and is later determined to be ineligible for benefits, even though the claimant acted in good faith and was not otherwise at fault. The overpayment recovery law was updated in 2008. See Iowa Code § 96.3(7)(b). Under the revised law, a claimant will not be required to repay an overpayment of benefits if all of the following factors are met. First, the prior award of benefits must have been made in connection with a decision regarding the claimant's separation from a particular employment. Second, the claimant must not have engaged in fraud or willful misrepresentation to obtain the benefits or in connection with the Agency's initial decision to award benefits. Third, the employer must not have participated at the initial fact-finding proceeding that resulted in the initial decision to award benefits. If Workforce Development determines there has been an overpayment of benefits, the employer will not be charged for the benefits, regardless of whether the claimant is required to repay the benefits.

Because the claimant has been deemed ineligible for benefits, any benefits the claimant has received could constitute an overpayment. Accordingly, the administrative law judge will remand the matter to the Claims Division for determination of whether there has been an overpayment, the amount of the overpayment, and whether the claimant will have to repay the benefits.

DECISION:

The unemployment insurance decision dated February 3, 2010, reference 01, is reversed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The matter is remanded to the Claims Section for investigation and determination of the overpayment issue.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs