

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALLEN R PENHOLLOW
Claimant

APPEAL NO. 11A-UI-08329-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINNEBAGO INDUSTRIES
Employer

OC: 07/04/10
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 23, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 18, 2011. Claimant participated. Employer participated by Gary McCarthy, personnel supervisor and Sandy Haugen, production supervisor.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was employed with the employer from October 5, 2009 through May 26, 2011. He quit his employment because he believed that he was being required to work outside his work restriction of no overhead work. The record shows that claimant was not required to work outside his work restriction.

REASONING AND CONCLUSIONS OF LAW:

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.

Claimant was allowed to use devices to accommodate his restrictions and other workers would take any tasks that claimant could not otherwise perform. Claimant quit his employment due to dissatisfaction with his work environment. This reason for leaving employment is without good cause attributable to the employer. See 871 IAC 24.25(21). Accordingly, the separation is without good cause attributable to the employer and benefits must be denied.

DECISION:

The June 23, 2011, reference 01, decision is affirmed. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times his weekly benefit amount, provided claimant is otherwise eligible.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/pjs