

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KARL WEBBEKING**  
Claimant

**APPEAL NO. 12A-UI-06777-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BIG SUR WATERBED INC**  
Employer

**OC: 05/20/12  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated July 11, 2012, reference 01, that concluded the claimant voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 2, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Sandy Linsin participated in the hearing on behalf of the employer with a witness, Justin Robinette.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked for the employer from June 6, 2011, to November 6, 2011. He was a sales associate but later moved to a delivery position. The claimant had been experiencing medical problems with his knees and back. In early November, the claimant had an incident where his leg had given way on a delivery. His supervisor told him to get his leg checked out.

The claimant went to the doctor who told him that he had atrophy in his leg and needed surgery. His doctor informed him that he needed surgery, which he had on November 16. He notified his supervisor by text about his medical situation.

After the surgery, the claimant's doctor imposed substantial restrictions on the claimant. The claimant decided that he would not be able to perform his job with the employer with his restrictions. He has not had any further contact with the employer.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant voluntarily quit employment without good cause attributable to the employer. There are two provisions of the law allowing persons who quit for health reasons to qualify for unemployment insurance benefits.

The unemployment insurance rules provide that a claimant is qualified to receive benefits if compelled to leave employment due to a medical condition attributable to the employment. The rules require a claimant: (1) to present competent evidence that conditions at work caused or aggravated the medical condition and made it impossible for the claimant to continue in employment due to a serious health danger and (2) to inform the employer before quitting of the work-related medical condition and that the claimant intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b. The evidence fails to show the medical condition was attributable to the employer or that the claimant requested accommodation.

The unemployment insurance law provides that individual is qualified to receive benefits if he: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that he needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but his regular work or comparable suitable work was not available. Iowa Code § 96.5-1-d. The claimant does not qualify under this provision of the law because he has not offered to return to work or shown he has been certified as recovering from his health condition.

The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

**DECISION:**

The unemployment insurance decision dated July 11, 2012, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css