

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

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FRENCH WAY CLEANERS/FURRIERS
C/o SCHOENAUER MUSSER & CO PC
6336 HICKMAN STE 206
DES MOINES IA 50322

Appeal Number: 05A-UI-04517-ET
OC: 04-03-05 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 22, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held before Administrative Law Judge Julie Elder on May 17, 2005. The claimant participated in the hearing. Mike McBroom, President, participated in the hearing on behalf of the employer.

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 customer service

representative for French Way Cleaners/Furriers from July 19, 2004 to February 2, 2005. She quit her employment due to a non-work-related elbow injury suffered four years previously. The claimant sought medical treatment before leaving her employment but was not advised by her physician to quit her job. She did not tell the employer why she was leaving when she gave her notice.

REASONING AND CONCLUSIONS OF LAW:

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

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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code Section 96.6-2 (amended 1998). The claimant quit her employment due to a non-work-related medical condition, which resulted from an elbow injury four years earlier. A voluntary quit is not attributable to the employer if caused by illness not connected to the employment. Wolf's v. IESCI, 244 Iowa 999, 59 N.W.2d 216 (1953). A voluntary quit based on illness is clearly disqualifying except upon the advice of a licensed and practicing physician. Taylor v. Iowa Department of Job Service, 362 N.W.2d 534 (Iowa 1985). The claimant's physician did not take her off work; instead she decided she could no longer perform the duties of her job. The claimant was also dissatisfied with the work environment but did not tell the employer the reasons she was leaving her employment. Consequently, the administrative law judge must conclude the claimant has not established that her leaving was for good cause attributable to the employer. Benefits are denied.

DECISION:

The April 22, 2005, reference 01, decision is affirmed. 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.

je/pjs