

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURA K RASMUSSEN
Claimant

APPEAL NO. 12A-UI-04188-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KINSETH HOTEL CORPORATION
Employer

OC: 02/19/12
Claimant: Respondent (2-R)

Section 96.5(1)d – Quit/Medical

STATEMENT OF THE CASE:

The employer, Kinseth, filed an appeal from a decision dated April 4, 2012, reference 02. The decision allowed benefits to the claimant, Laura Rasmussen. After due notice was issued a hearing was held by telephone conference call on May 8, 2012. The claimant participated on her own behalf. The employer participated by General Manager Nukole Steele.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Laura Rasmussen was employed by Kinseth from June 1 until October 4, 2011 as a full-time laundry aide. She had actually been hired as a housekeeper but worked only one day at that before she was asked if she would want to take over the laundry aide position and she accepted.

On October 4, 2011, she notified General Manager Nukole Steele she was quitting for “medical reasons.” The medical reasons were not related to her work for Kinseth. She did not have the recommendation from a doctor to quit and has not received any official release to return to work without restrictions from any health care provider.

Laura Rasmussen has received unemployment benefits since filing a claim with an effective date of February 19, 2012.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-d 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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

The claimant quit because of non-work-related medical problems. She did not quit pursuant to a doctor's recommendation, has not been released to return to work and has not contacted the employer to request her job back. Under the provisions of the above Code section, this is a voluntary quit without good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of April 4, 2012, reference 02, is reversed. Laura Rasmussen is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible. The issue of whether the claimant must repay the unemployment benefits is remanded to UIS division for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs