

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SARAH B WYNN
Claimant

APPEAL NO. 19A-UI-07254-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICAN ORDNANCE LLC
Employer

OC: 08/11/19
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 9, 2019, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 30, 2019. Claimant participated. Employer failed to answer the phone when called and did not participate. Claimant's Exhibits A-F were admitted into evidence.

ISSUES:

Whether claimant quit for good cause attributable to employer.

Whether claimant is able and available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was hired by employer on July 29, 2019. Prior to her hire, claimant told employer about a previous wrist injury she'd incurred a year earlier, and how the wrist was not feeling better. Claimant was cleared by her doctor and the company doctor to work with no restrictions. Claimant worked in the production job she was hired to do for one week. Claimant was aware of the job requirements at the time of hire. Claimant last worked for employer on August 5, 2019. Claimant called employer on that date and asked to be shifted to some other duties as she wished to continue working, but the repetitive movements of the job exacerbated the pain from her previous wrist injury.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because, although she felt that her wrist had sufficiently healed at the time of hire to fulfill her job requirements, she soon realized that her wrist could not put up with the repetitive moving of heavy objects.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, claimant received full instruction as to what her job would entail at the time of her hire. She wanted to do the work, and she and multiple doctors believed that she could do the required work with no restrictions.

Claimant did begin doing the job, but soon realized that the job requirements were not those that she could fulfill, although she wished to do so. Claimant then told human resources that she would need to quit her job unless there was another job to which she could transfer. As employer did not have any other job available, claimant quit her employment. Said quit was attributable to the status of claimant's wrist and not to the employer requesting claimant do something outside the usual procedures for the job. Claimant and the doctors miscalculated as to the pain that would be caused doing her job. This led to claimant's quit and is not attributable to employer.

DECISION:

The decision of the representative dated September 9, 2019, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs