

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT L WISSLER**  
Claimant

**APPEAL NO: 10A-UI-15853-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALAMO GROUP (IA) INC**  
Employer

**OC: 10/10/10**  
**Claimant: Appellant (2/R)**

Iowa Code 96.5-1 – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 15, 2010 determination (reference 02) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing with his witness, Jon Geyer. Mark McGrath, the manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits based on the reasons for this employment separation.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in April 1987. He worked full time primarily in the carburetor department. The claimant also worked in the warehouse picking orders. The claimant's work required him to repeatedly bend, lift and squat.

In 2008 the claimant experienced a great deal of pain in his knees to the extent that it was difficult for him to walk. The claimant performed some work in July 2008, but he was on a medical leave of absence for various weeks in July and all of August 2008. When the claimant worked in July, he picked orders and drove a forklift. The bending and squatting required to do this job, caused the claimant a great deal of pain. The claimant saw Dr. Fehrle on August 3, 2008, and she restricted him from doing any work. Dr. Fehrle advised the claimant to look for another job so he would not have to repeatedly bend, squat or lift which were hard on his knees.

On September 17, 2008, the claimant resigned because he was unable to perform his work due to knee and shoulder injuries. After the claimant resigned, he had a total knee replacement in October 2008. He also filed a workers' compensation claim, which the employer disputed. Ultimately the parties entered into an agreement and settled the workers' compensation claim.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The law presumes a claimant voluntarily quits employment for reasons that qualify him to receive benefits when he is compelled to leave as a result of an injury suffered on the job. 871 IAC 24.26(6)b.

The evidence shows that the claimant's employment aggravated problems he had with his knees which made it impossible for him to continue his employment. In August 2008, the claimant's treating physician not only restricted him from working, she also advised him to quit this employment. Since the employer did not have any long-term light-duty work, the claimant resigned as of September 17, 2008 because he was unable to do the employer's work. Based on the facts in this case, the claimant quit his employment for reasons that qualify him to receive benefits. As of October 10, 2010, the claimant is qualified to receive benefits.

The record also revealed that on October 19, 2010, a determination (reference 01) was issued that held the employer's account subject to charge because the claimant had received workers' compensation benefits. The employer did not appeal this decision. Since this decision was not appealed by the employer, the administrative law judge questions whether the November 15, 2010 decision (reference 02) was legally appropriate. This issue will not be addressed in this decision because the claimant has been determined qualified to receive benefits. However, this question should be discussed in the Claims Section.

Since the claimant has had some medical restrictions, the issue of the claimant's ability to work will be remanded to the Claims Section to determine. If the claimant has any work restrictions or no restrictions from his treating physician as of October 10, 2010, he should present this information to his local Workforce office.

**DECISION:**

The representative's November 15, 2010 determination (reference 02) is reversed. The claimant voluntarily quit his employment because his employment aggravated problems he had with his knees to the extent that he could no longer work for the employer. As of October 10 2010, the claimant is qualified to receive benefits based on the reasons for his employment separation. The employer's account is subject to charge based on this decision and an October 19 determination (reference 01). An issue of whether the claimant is able to work is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css