

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

JOEL D PLATT  
205 S MAIN ST  
HEDRICK IA 52563-9300

CARGILL MEAT SOLUTIONS CORP  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-07308-DWT  
OC: 06/18/06 R: 03  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Joel D. Platt (claimant) appealed a representative's July 13, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Cargill Meat Solutions Corporation (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 17, 2006. The claimant participated in the hearing. Erica Black, a human resource associate, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer on May 15, 2001. The claimant worked full time. On February 16, 2006, the claimant had surgery and was on Family Medical Leave for eight weeks. The claimant also received disability insurance benefits while he was on the leave of absence.

Even though the claimant did not believe he had fully recuperated, his treating physician released the claimant to return to work without any work restrictions. The claimant returned to work on May 8, 2006. The claimant worked May 8 and 9, eight hours on his feet. After working eight hours on his feet, the claimant experienced a great deal of pain. The claimant went to the employer's nurse.

The claimant did not believe the employer could provide him with any sit-down job and verbally resigned on May 10, 2006. On May 19, 2006, the claimant completed the necessary paperwork. On the paperwork the claimant indicated he was resigning for medical reasons and because he was moving.

After the claimant resigned, he tried some cortisone shots, which did not help him. The claimant also went to a Veterans Administration Hospital doctor who advised the claimant to look for a sit-down job instead of any job that required him to stand eight hours a day.

The claimant established a claim for unemployment insurance benefits during the week of June 18, 2006. The claimant is looking for office work even though he does not have any office-work experience. The claimant is also interested in computer work, but needs computer training. The claimant has worked as a front-end loader operator, but has not looked for this type of job yet.

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 section 96.5-1. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code section 96.6-2.

The law presumes a claimant is qualified to receive unemployment insurance benefits if he is compelled to leave employment because of an illness or injury that is aggravated by the employment to the extent that continued employment would cause serious danger to the claimant's health. To be eligible under this regulation, a claimant must present competent evidence showing adequate health reasons to justify quitting and before the claimant quits, he must inform the employer of the work-related problem to give the employer an opportunity to make reasonable accommodations. 871 IAC 24.26(6)(b).

The facts show the claimant was released to return to work without any work restrictions. This meant the claimant's treating physician indicated the claimant was medically able to work eight

hours a day, which meant standing eight hours. While it is not disputed that the claimant experienced pain when he returned to work, the claimant did not satisfy the requirements of 871 IAC 24.26(6) (b).

The claimant established compelling personal reasons for quitting. He did not, however, establish that he quit for reasons that qualify him to receive unemployment insurance benefits. As of June 18, 2006, the claimant is not qualified to receive unemployment insurance benefits.

**DECISION:**

The representative's July 13, 2006 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for compelling personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 18, 2006. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

dlw/pjs