

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SUSAN K MILLER**  
Claimant

**APPEAL NO. 13A-UI-06137-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QWEST CORPORATION**  
Employer

**OC: 04/28/13**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit  
Section 96.4-3 - Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated May 15, 2013, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. Telephone hearings were held on July 1 and September 3, 2013. The parties were properly notified about the hearing. The claimant participated in the hearings. James Fanzetti participated in the hearing on behalf of the employer with a witness, Joshua Sorenson. The hearing on July 1, 2013, was held before Administrative Law Judge Julie Elder. The hearing was continued to receive medical documents from the claimant. The documents were received and entered into evidence as Exhibit A and B during the hearing on September 3, 2013.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as center sales and service associate from December 17, 2007, to September 21, 2012.

She believed that after CenturyLink acquired Qwest, that CenturyLink created sales goals that were unattainable and caused her stress. She also experienced anxiety with dealing with disgruntled customers on the phone. She put pressure on herself to excel, and when she could not meet the goals, she was concerned about losing her job even though coworkers had the same problem. Eventually, she went on short-term disability in September 2012 when she started having panic attacks, fainting spells, and a seizure that she attributed to conditions at work.

After she went on short-term disability, she was treated by a therapist and physician and was prescribed medication for her mental health issues. She decide to quit her employment on April 24, 2013, because her therapist and physician advised that she quit and she was having problems making the payment for co-pays for her medical treatment because of the reduced pay she was receiving while on short-term disability.

The claimant sent an email to her supervisor Joshua Sorenson on April 24, 2013. In the email, she did not inform Sorenson why she was resigning.

The claimant never provided medical documentation to a manager stating that it was impossible to continue working due to a serious health danger. She never informed a manager that she intended to quit her employment unless the conditions causing her mental health condition was corrected or requesting accommodation of her condition.

In a letter dated May 30, 2013, the physician treating the claimant stated she was under stress after her employer was acquired by CenturyLink and started having problems with passing out and having seizures. The doctor said she was having difficulty handling any type of stress or negativity at the workplace, and as a result, quit her job. The doctor said she could “possibly do another type of job where there is not so much stress involved” but is not able to return to work with the employer. The therapist also wrote a letter dated May 30, 2013, that said she had first treated the claimant on February 25, 2013, and the claimant was experiencing high anxiety and stress with panic attacks and agoraphobia. The therapist said her symptoms were so intense that she could not carry out daily life activities or leave her house without difficulty. The therapist said that as of May 30, the claimant had some decrease in symptoms but continued to be severely impacted by her symptoms and could not be gainfully employed in any workplace with a stressful environment.

#### **REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance rules provide that a claimant is qualified to receive benefits if compelled to leave employment due to a medical condition attributable to the employment. The rules require a claimant: (1) to present competent evidence that conditions at work caused or aggravated the medical condition and made it impossible for the claimant to continue in employment due to a serious health danger and (2) to inform the employer before quitting of the work-related medical condition and that the claimant intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b.

The claimant has not satisfied the conditions of 871 IAC 24.26(6)b to receive benefits. She did not inform the employer before quitting of the work-related medical conditions and that the claimant intended to quit unless the problem is corrected or condition is reasonably accommodated. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

The unemployment insurance rules provide that a person must be physically able to work, not necessarily in the individual's customary occupation, but in some reasonably suitable, comparable, gainful, full-time endeavor that is generally available in the labor market. 871 IAC 24.22(1)b. The doctor and therapist statements make it clear that as of the time the claimant filed for unemployment insurance benefits in April 2013, she continued to be severely impacted by her mental health condition to the extent that she had panic attacks and seizures accompanied by agoraphobia and inability to do daily life activities. It is significant that the claimant still had these symptoms five months after she had stopped working. She has not shown that she is able to work full time.

The only other way for the claimant to requalify for benefits without obtaining other employment and requalifying for benefits would be if she offered to return to work for the employer after full recovery, was certified by a licensed and practicing physician, but her regular work or comparable suitable work was not available. Iowa Code § 96.5-1-d.

**DECISION:**

The unemployment insurance decision dated May 15, 2013, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, or she offered to return to work for the employer after full recovery was certified by a licensed and practicing physician, but her regular work or comparable suitable work was not available.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs