

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARY DAVIS**  
Claimant

**APPEAL NO: 09A-UI-05716-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 03/15/09**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Mary Davis (claimant) appealed an unemployment insurance decision dated April 1, 2009, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Hy-Vee, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 7, 2009. The claimant participated in the hearing with Pereny McDowell. The employer participated through Bill Detweiler, Human Resources Manager; Sue Girard, Training Specialist; and employer representative Daniel Spier. 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:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a part-time employee from September 18, 2007 through February 27, 2009 when she voluntarily quit. She was hired to work in Starbucks in the grocery store but subsequently worked as a cashier, stocker, and courtesy clerk. The claimant was required to work outside to help load groceries and she did not like to do this. She had been sick and talked to the human resources manager about it on February 26, 2009. The claimant said she was going to her doctor's that afternoon and the manager told her to get a medical note or restriction excusing her from working outside and she would no longer have to work outside. The claimant went to the doctor's office and was diagnosed with pneumonia. She voluntarily quit the next day without providing any medical documentation.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

Iowa Code § 96.5-1 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.

The claimant voluntarily quit her employment on February 27, 2009 due to a non-work-related medical condition. She had no medical restrictions and did not provide the employer with any medical documentation. A voluntary quit based on illness is clearly disqualifying except upon the advice of a licensed and practicing physician. Taylor v. Iowa Department of Job Service, 362 N.W.2d 534 (Iowa 1985).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated April 1, 2009, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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