

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER NOBBS**  
Claimant

**APPEAL NO. 11A-UI-11173-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HCM INC**  
Employer

**OC: 07-24-11  
Claimant: Respondent (3)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the August 16, 2011, reference 01, decision that allowed benefits to the claimant for the one-week period ending July 30, 2011. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 16, 2011. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time registered nurse for HCM from May 18, 2011 to July 22, 2011. She voluntarily quit her employment due to a work-related health condition. The employer's facility had mold in the building. The claimant developed allergic reactions and told her physician about the mold. The claimant's physician told her to stop working at the facility and to report the employer to the state. The claimant talked to the employer about the mold and the employer said it was being taken care of but simply painted over the black mold and never permanently solved the problem.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code section 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.

An individual who voluntarily leaves their employment due to an alleged work-related illness or injury must first give notice to the employer of the anticipated reasons for quitting in order to give the employer an opportunity to remedy the situation or offer an accommodation. Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993). The claimant did give the employer an opportunity to resolve her complaints prior to leaving employment, but the employer failed to correct the issue. The claimant has demonstrated her leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are allowed.

**DECISION:**

The August 16, 2011, reference 01, decision is modified in favor of the respondent. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/kjw