

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORETTA TERRELL

Claimant

APPEAL NO. 08A-UI-06453-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VON HOFFMAN CORPORATION

Employer

**OC: 06/15/08 R: 04
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Loretta Terrell (claimant) appealed an unemployment insurance decision dated July 9, 2008, reference 01, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Von Hoffmann Corporation (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 July 29, 2008. The claimant participated in the hearing. The employer elected not to participate in the hearing. Based on the evidence, the arguments of the party, 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 full-time general laborer from December 4, 2006 through January 11, 2008. She went on short-term disability for a non-work-related medical condition and had two surgeries. The claimant subsequently applied for long-term disability but was denied. She voluntarily quit her employment because she no longer wanted to perform physical work.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant went on short-term disability for a non-work-related medical condition. She applied for long-term disability but was denied and she testified that she no longer wanted to perform physical work.

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 July 9, 2008, 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.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css