

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
6200 Park Avenue, Suite 100  
Des Moines, Iowa 50321  
Website: eab.iowa.gov**

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**RAYMOND CLARK**

Claimant

: **APPEAL NUMBER:** 24B-UI-00517

: **ALJ HEARING NUMBER:** 24A-UI-00517

:

and

:

**EMPLOYMENT APPEAL BOARD**

:

**DECISION**

**TRI CITY ELETRIC CO OF IOWA**

:

:

Employer

:

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION:** 96.5-1 24.26-19

**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The Claimant appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law by adding:

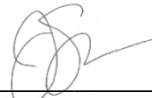
Iowa Code section 96.5(1)d provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

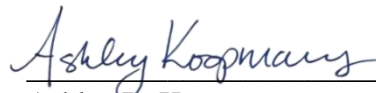
d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, **and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services** and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible. [Emphasis added.]

In this case, the Claimant did not fully recover from his non-work-related injury or illness and could not return to the Employer to perform his normal job duties. In fact, the Claimant told the Employer that he would never fully recover and he would never be able to perform the essential functions of his job. While the Claimant's reasons for separating from the employment may have been for good personal reasons, it was not for a good cause reason attributable to the Employer under Iowa law. Benefits must be denied.



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James M. Strohmman



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Ashley R. Koopmans

SRC/fnv

**DATED AND MAILED: MARCH 08 2024**