

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIE L. OXLEY**  
Claimant

**APPEAL NO: 17A-UI-07232-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA STATE UNIVERSITY**  
Employer

**OC: 06/25/17**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 13, 2017, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 9, 2017. The claimant participated in the hearing with Attorney Christopher Spaulding. Drew Nishiyama, Associate Counsel, participated in the hearing on behalf of the employer. Ruth Carlton-Appleton and Brooke Christianson, University Human Resources, observed the hearing. Employer's Exhibit One was admitted into evidence.

**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 cook I for Iowa State University from August 13, 1993 to June 28, 2017. She suffered a work-related right wrist and thumb injury July 10, 2014. She had surgery on her wrist and thumb and eventually went from a year round position to 11 months per year to nine months per year. She had non-work related right shoulder surgery in April 2017 and did not return to work after that date because she was not released by her surgeon to return to work until July 15, 2017. The claimant's manager said something would have to be done when school started again but the claimant did not ask him to clarify what he meant. She assumed he was telling her the employer would not be able to keep her for four hours per day but did not seek further clarification or ask for an accommodation. The claimant signed a workers' compensation settlement agreement July 14, 2017, which stated she was voluntarily leaving her employment and would not seek reemployment with the employer.

**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 § 96.5-1 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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While there is no Iowa case law on point, other states have addressed the situation of a voluntary quit in the context of a workers' compensation settlement agreement. In *Edward v. Sentinel Management Co.*, 611 N.W.2d 366 (Minn. App. 2000), the claimant resigned as part of a workers' compensation settlement package. The Minnesota court denied benefits, noting that the claimant could have continued working while pursuing his claim. The evidence in the case established that the claimant could still perform his work and was doing so while the negotiations continued. The Minnesota court found the situation analogous to a person negotiating for early retirement while work was still available. In *Larson v. Michigan Employment Sec. Com'n.*, 140 N.W.2d 777 (Michigan App. 1966), the Michigan court allowed benefits to a severely injured worker who could not perform his former duties and for whom the alternatives were remaining employed with no income or resigning in order to receive income. Iowa administrative law judges follow these lines of analysis and make similar distinctions.

The evidence in the record establishes that the claimant continued to be able to perform work for the employer, but voluntarily quit as part of the workers' compensation settlement. Based on the evidence in the record and application of the appropriate law, the administrative law judge concludes that the claimant voluntarily quit the employment without good cause attributable to the employer. Therefore, benefits must be denied.

**DECISION:**

The July 13, 2017, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed  
je/scn