

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACQUELYN O LEECH
Claimant

APPEAL NO: 18A-UI-06780-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LOWE'S HOME CENTERS LLC
Employer

OC: 05/27/18
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 12, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on July 10, 2018. The claimant participated in the hearing. Alaina Severino, Human Resources Manager and Andy Young, Store Manager, participated in the hearing on behalf of the employer. Claimant's Exhibit A 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 temporary seasonal garden center employee for Lowe's Home Centers, LLC from January 25, 2018 to May 25, 2018. She voluntarily left her employment because the heavy lifting was bothering her hips, back, neck, shoulders and arms.

The claimant was aware the position required lifting but believed she would be able to perform the job. She did not realize the amount of lifting required, however, and eventually the lifting became a problem for her. The claimant saw her chiropractor throughout her employment with Lowe's and was treated for "a deterioration in her health and a significant increase in her pain" (Claimant's Exhibit A). The claimant's chiropractor recommended she leave her job with Lowe's because the position she held was "not appropriate for her body and/or health" (Claimant's Exhibit A). As a result of her doctor's opinion, the claimant submitted her two week resignation notice to the employer with an effective date of May 25, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with 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.

Where illness or disease directly connected to the employment make it impossible for an individual to continue in employment because of serious danger to health, termination of employment for that reason is involuntary and for good cause attributable to the employer even if the employer is free from all negligence or wrongdoing. *Raffety v. IESC*, 76 N.W.2d 787 (Iowa 1956). A voluntary quit based on illness is clearly disqualifying except upon the advice of a licensed and practicing physician. *Taylor v. IDJS*, 362 N.W.2d 534 (Iowa 1985).

The claimant's physical health was deteriorating due to the heavy lifting involved in her position in the garden center. She sought treatment from her chiropractor, a licensed and practicing physician, and she recommended the claimant voluntarily leave her position. The claimant subsequently resigned from her job with Lowe's. While Lowe's was free from any negligence or wrongdoing under Iowa law, the claimant is still eligible for benefits because she left on the advice of her physician. Under these circumstances, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer. Therefore, benefits must be allowed.

DECISION:

The June 12, 2018, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn