

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARRIE MOORE**  
Claimant

**APPEAL NO: 11A-UI-07522-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GENESIS HEALTH SYSTEM**  
Employer

**OC: 05-08-11**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 2, 2011, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on July 5, 2011. The claimant participated in the hearing. Katie Hovey, Human Resources Assistant, participated in the hearing on behalf of the employer. Claimant's Exhibits A and B were 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 part-time family support worker for Genesis Health System from March 17, 2008 to April 21, 2011. She was diagnosed with work-related stress and depression and had a small stroke January 10, 2011. She began family and medical leave January 24, 2011, and when it ran out April 7, 2011, the employer began termination proceedings. The claimant's neurologist, psychiatrist and psychologist all agreed she should not return to her job at Genesis and she resigned her position (Claimant's Exhibits A and B). She is able and available for work anywhere else.

**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:

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 § 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). A voluntary quit due to situational depression caused by stress is with good cause attributable to the employer if upon the advice of a licensed and practicing physician. City of Des Moines v. IDJS, (Unpublished, Iowa App. 1987). The claimant provided documentation from a licensed and practicing psychiatrist and a licensed and practicing psychologist stating her job was causing "significant" and "unhealthy" stress levels. Consequently, she had met her burden of proving her leaving was with good cause attributable to the employer as that term is defined in the above stated law. Therefore, benefits are allowed.

#### **DECISION:**

The June 2, 2011, 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs