

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**PAUL L. MCCAFFREY**  
Claimant

**WHIRLPOOL CORPORATION**  
Employer

**APPEAL 22A-UI-01851-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/04/21  
Claimant: Appellant (1)**

Iowa Code §96.5(2)a-Discharge/Misconduct  
Iowa Code §96.5(1)- Voluntary Quit  
Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

On December 21, 2021, the claimant/appellant filed an appeal from the December 14, 2021, (reference 01) unemployment insurance decision that denied benefits based on claimant voluntarily quitting for personal reasons. The parties were properly notified about the hearing. A telephone hearing was held on February 10, 2022. Claimant participated during the hearing. Employer did not call in to participate. Administrative notice was taken of claimant's unemployment insurance benefits records.

**ISSUES:**

Did the claimant voluntarily quit with good cause attributable to the employer?  
Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on February 20, 2020. Claimant last worked as a full-time plant utility. Claimant worked 3:30 p.m. until midnight. Claimant was separated from employment on August 4, 2021, when he voluntarily quit.

Claimant had a knee injury that was getting more painful due to the work he was performing for employer. Claimant believes it is work related but did not file a worker's compensation claim for the injury. The claimant was not under a doctor's restriction prohibiting him from working. Claimant requested an accommodation from the employer where he could perform a job that required less movement. Claimant's job was hard on his knee and he could not keep performing the job duties. The employer denied claimant's request for a job accommodation. The claimant did not inform the employer that he would quit unless he received an accommodation. Claimant provided a written resignation that he was quitting.

The claimant decided to return back to school full time prior to him quitting his employment. Claimant started the Fall schedule on August 21, 2021. The semester was over on December 16, 2021. Claimant is currently attending school part time.

Prior to working for employer he completed his college education and was a teacher. Claimant was also an ACT content writer, and was a line cook.

Claimant has subsequently begun a new job with a new employer on December 19, 2021.

## **REASONING AND CONCLUSIONS OF LAW:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant voluntarily quit by tendering his verbal resignation on August 4, 2021. As such, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). “Good cause” for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm’n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In 1995, the Iowa Administrative Code was amended to include an intent-to-quit requirement added to rule 871-24.26(6)(b), the provision addressing work-related health problems. *Hy-Vee, Inc. v. Emp’t Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005). Iowa Code § 216.6 (previously 601A.6) requires employers to make “reasonable accommodations” for employees with disabilities. Reasonable accommodation is required only to the extent that refusal to provide some accommodation would be discrimination itself. Reasonableness is a flexible standard measured in terms of an employee’s needs and desires and by economic and other realities faced by the employer. *Sierra v. Emp’t Appeal Bd.*, 508 N.W.2d 719 (Iowa 1993). See also *Foods, Inc. v. Iowa Civil Rights Comm’n*, 318 N.W.2d 162 (Iowa 1982) and *Cerro Gordo Care Facility v. Iowa Civil Rights Comm’n*, 401 N.W.2d 192 (Iowa 1987).

Iowa Code § 96.5(1)d 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. 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.

Iowa Admin. Code r. 871-24.26(6)b provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(6) Separation because of illness, injury, or pregnancy.

b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

Claimant has the burden of proof to establish that the injury, illness or aggravation is work-related. *Shontz v. Iowa Employment Sec. Commission*, 248 N.W.2d 88, 91 (Iowa 1976). Claimant testified he had arthritis in his knee due to a knee injury. Claimant has not met his burden of proof establishing that the knee injury was due to a work-related injury. However, claimant has met his burden of proof establishing that his knee injury was aggravated by his employment. However, claimant did not present any competent evidence showing adequate health reasons to justify his quitting and was never advised by a physician to quit his job. Additionally, claimant never notified his supervisor or any other person in management that he intended to quit if he was not accommodated. As such, no notice of intent that he was going to quit was provided to the employer and the separation was without good cause attributable to the employer.

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

Since claimant is denied benefits the issue of whether claimant is able to work and available for work is moot.

**DECISION:**

The March 14, 2017 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit the employment without good cause attributable to employer. Unemployment benefits are withheld in regards to this employer until such time as claimant is deemed eligible.

Since claimant is denied benefits the issue of whether claimant is able to work and available for work is moot.



---

Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

March 2, 2022

---

Decision Dated and Mailed

cs/abd

**NOTE TO CLAIMANT:** This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.