

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**LARRY G ONEAL**  
Claimant

**NSK CORPORATION**  
Employer

**APPEAL NO. 19A-UI-03533-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/31/19  
Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated April 22, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 16, 2019. Claimant participated and was represented by Jon Geyer. Employer participated by Katy Purdy and Breanna Christensen. Employer's Exhibits 1-2 and Claimant's Exhibits A-B were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 20, 2019. Claimant voluntarily quit on March 22, 2019.

Claimant worked for employer in a number of different areas over the nearly nine years claimant worked for NSK. Most recently claimant worked as an ISB assembly pack operator. Claimant contacted a dermatitis that he approached human resources about on February 13, 2019 after last working on February 9, 2019. Claimant did not work for the next month, and went to a company dermatologist on March 20, 2019. On that date the dermatologist did not say that claimant could not return to work and did not give any restrictions should the claimant return to work.

On March 22, 2019 claimant resigned from work, citing the chemicals he encountered at work. On March 26, 2019 the dermatologist who had seen claimant on March 20, 2019 wrote a note indicating that claimant was not to return to work until after he'd completed a patch test to attempt to determine the cause of the rash. Claimant had no contact with employer concerning the note and employer stated that they did not contact claimant as he'd already quit a few days earlier.

Claimant did not request to be transferred to a different area prior to his resignation and employer did not offer to transfer claimant to another area after claimant complained about his rash.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he had a rash that was caused by some unknown external or internal event.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, claimant did not attempt to transfer to a different area or in any way work with employer to figure out a solution to his difficulties prior to his resignation. If employer had denied claimant a reasonable accommodation, the matter before the administrative law judge might be very different. But that is not the case here. Here claimant quit as soon as information was received from the dermatologist after claimant's initial visit that the doctor did not know the causes of the rash. As such, claimant's quit, when it occurred, is not seen as for good cause attributable to employer.

**DECISION:**

The decision of the representative dated April 22, 2019, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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