

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN BLASSINGILL
Claimant

APPEAL NO. 07A-UI-09698-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCHENKER LOGISTICS INC
Employer

**OC: 09/16/07 R: 03
Claimant: Appellant (2)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kevin Blassingill filed an appeal from a representative's decision dated October 11, 2007, reference 01, which denied benefits based on his separation from Schenker Logistics, Inc. After due notice was issued, a hearing was held by telephone on October 31, 2007. Mr. Blassingill participated personally. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Mr. Blassingill was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Blassingill began working for Schenker Logistics, Inc. on February 26, 2007. He worked full time as a forklift operator. On August 30, he underwent a procedure to remove fluid from his left knee. He returned to work on September 1 with his knee wrapped in a stabilizer, which was to be worn for two weeks.

When Mr. Blassingill returned to work on September 1, he found that the forklift he had been operating had been reassigned. He was given a different forklift, which was smaller than the one he previously operated. Mr. Blassingill is 6 feet, 4 inches tall. There was not enough leg room in the different forklift he was assigned. Because it was smaller, he had difficulty getting his leg into a comfortable position inside the forklift. He experienced increased pain as a result of the cramped interior of the forklift. Mr. Blassingill brought the problem to the attention of his supervisor and was told there was nothing that could be done to assign him to a different forklift. As a result, Mr. Blassingill quit the employment on September 1 after attempting to work for two hours. He did not want to compromise his recovery or his future work ability by continuing to work in the smaller forklift.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Blassingill quit his employment because the forklift he was assigned to operate caused pain to the knee on which he had recently undergone a medical procedure. He made the employer aware of the problem but nothing was done to accommodate him. He was told he had to continue using the smaller forklift. Continuing to operate the smaller forklift created the potential to aggravate his already compromised knee condition. He was also experiencing pain as a result of the different forklift.

Inasmuch as continuing in the employment posed a threat to Mr. Blassingill's health, the administrative law judge concludes that the employer's failure to accommodate him provided good cause attributable to the employer for quitting. As such, benefits are allowed.

DECISION:

The representative's decision dated October 11, 2007, reference 01, is hereby reversed. Mr. Blassingill quit his employment for good cause attributable to the employer. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css