

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BETTY EALY
Claimant

APPEAL NO. 11A-UI-00984-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 12/19/10
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 14, 2011, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 22, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Derek Horton participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a cake decorator from July 30, 2002, to October 26, 2010.

The claimant fell and hurt her wrist on October 26, 2010. She reported this to management and an incident report was prepared. Afterward, she informed someone in human resources that she was going to go home. The human resource representative asked the claimant to let her know how she was doing. The wrist did not improve so the claimant went to the doctor and discovered her wrist was broken.

The claimant called in sick on October 28, 2010. Later, she called and informed the employer that she was quitting. She quit because she was upset that no one offered her medical attention, and she decided that there was no way she could do the cake-decorating job after the injury. She did not request any accommodation that would have allowed her to continue to work because she was dissatisfied with working for the employer.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The unemployment insurance rules provide that a claimant is qualified to receive benefits if compelled to leave employment due to a medical condition attributable to the employment. The rules require a claimant: (1) to present competent evidence that conditions at work caused or aggravated the medical condition and made it impossible for the claimant to continue in employment due to a serious health danger and (2) to inform the employer before quitting of the work-related medical condition and that the claimant intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b.

The claimant was injured at work but has not shown that she meets the conditions of 871 IAC 24.26(6)b. She quit because she was upset that no one offered her medical attention and she did not believe she could perform her cake-decorating job. The claimant, however, did not request to be referred to a doctor. Supervisors would not know unless the claimant told them that she required medical attention. Not every fall requires a person to see a doctor. The fact that the claimant decided she could not decorate cakes anymore would not provide good cause for quitting attributable to the employer.

DECISION:

The unemployment insurance decision dated January 14, 2011, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs