

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNNE E JAY
Claimant

APPEAL NO: 06A-UI-08013-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 07/16/06 R: 03
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 4, 2006, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 24, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Diane Stevenson 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 full time for the employer as an assistant manager in the employer's convenience store. She has suffered from rheumatoid arthritis since 1987. Diane Stevenson is the manager of the store.

The claimant voluntarily quit employment on July 17, 2006, because there were work tasks that caused her problems with her arthritis, including being on her feet throughout her shift, unloading merchandise from the truck, and getting down on her knees to access the store safe. The claimant received no advice from a doctor before quitting and did not request accommodation from the employer. The employer did not misrepresent the work duties when the claimant was hired.

REASONING AND CONCLUSIONS OF LAW:

While the claimant asserted that she quit work because it aggravated her arthritis, she has not satisfied the requirement established by the law to receive benefits.

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 she intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b. The rules also provide that a claimant has good cause to quit employment if the type of work was misrepresented when she was hired. 871 IAC 24.26(23)

There is no competent medical evidence that it was impossible for the claimant to continue in employment due to a serious health danger or that she requested accommodation of her condition from the employer. The type of work was not misrepresented.

DECISION:

The unemployment insurance decision dated August 4, 2006, 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