

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CHRISTIE E MCCLANAHAN
416 – 12TH NW
MASON CITY IA 50401

DELL OIL LTD
5166 NW 111TH DR
GRIMES IA 50111

Appeal Number: 05A-UI-04781-HT
OC: 04/03/05 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Quit

STATEMENT OF THE CASE:

The claimant, Christie McClanahan, filed an appeal from a decision dated April 28, 2005, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on May 24, 2005. The claimant participated on her own behalf. The employer, Dell Oil, participated by Corporate Treasurer Billie Goff.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Christie McClanahan was employed by Dell Oil from

September 23 until November 4, 2004. She was hired as a full-time cashier but was gradually reduced to part-time at her own request. In June 2004 she had injured her knees but thought she would be able to do the job at Dell Oil even though it required standing for long periods of time. This was not the case and finally she notified Manager Jeremy Miller that she was quitting. At the time she quit she had not been advised to do so by her physician, nor had she presented any statements from her physician regarding any work restrictions.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

Iowa Code Section 96.5-1 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.

The claimant quit because she felt she was not able to do the job. The problem with her knees existed at the time she was hired and was not work related and she did not have the recommendation of her doctor to quit. The employer did accommodate her to the extent it could by reducing the number of hours she worked, at her request. The claimant's physical problems were not caused by her job and her resignation was not with good cause attributable to the employer. She is disqualified.

DECISION:

The representative's decision of April 28, 2005, reference 01, is affirmed. Christie McClanahan is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/s