

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELE M PASUT
Claimant

APPEAL NO: 18A-UI-07692-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MONROE CARE CENTER INC
Employer

OC: 06/17/18
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 10, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 7, 2018. The claimant participated in the hearing. Payton Stephen, Administrator and Shawna Thomas, Director of Nursing, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time casual RN charge nurse for Monroe Care Center, Inc. from June 17, 2014 to May 17, 2018. She voluntarily left her employment on the advice of her licensed and treating physician after the doctor faxed the employer a note stating the claimant was no longer to work in any capacity.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

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.

A voluntary quit based on illness is clearly disqualifying except upon the advice of a licensed and practicing physician. *Taylor v. IDJS*, 362 N.W.2d 534 (Iowa 1985). The claimant suffers from stress. Her health care provider notified the employer the claimant could no longer work in any capacity. Where illness or disease directly connected to the employment make it impossible for an individual to continue in employment because of serious danger to health, termination of employment for that reason is involuntary and for good cause attributable to the employer even if the employer is free from all negligence or wrongdoing. *Raffety v. IESC*, 76 N.W.2d 787 (Iowa 1956). Therefore, the claimant's separation from this employer is not disqualifying.

DECISION:

The July 10, 2018, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn