

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICHARD H FINDLING**  
Claimant

**APPEAL NO: 08A-UI-03391-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**  
Employer

**OC: 07/01/07 R: 03**  
**Claimant: Respondent (1/R)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Cargill Meat Solutions Corporation (employer) appealed a representative's March 28, 2008 decision (reference 03) that concluded Richard H. Findling (claimant) was qualified to receive benefits, and the employer's account was subject to charge because the claimant voluntarily quit his employment for reasons that qualify him to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 30, 2008. The claimant participated in the hearing. Laurie Elliott, an assistant human resource representative, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer on September 5, 2007. The employer hired the claimant to work full time. During his employment, the claimant experienced problems with his hands, pain and swelling. The employer moved the claimant to three different jobs in an attempt to resolve the medical issues the claimant experienced with his hands. None of the jobs the employer assigned the claimant resolved the problems the claimant had with his hands.

On January 12, 2008, the claimant worked, but his hands bothered him so much that day he went to his doctor. The claimant's doctor admitted the claimant to the hospital on January 13. After the claimant was released on January 20 or 21, the claimant personally talked to the employer's nurse. The claimant reported that his doctor advised him to quit working for the employer and had not been released to work. The employer's nurse indicated that since he was restricted from working someone in the human resource department would contact the claimant. No one from the human resource department contacted the claimant. Later, the claimant gave the employer's nurse a doctor's statement dated January 30, 2008. This statement indicated

the claimant was not currently able to work at his current job because of severe reactions the claimant had to the chemicals he was exposed to at the workplace.

On March 21, 2008, another treating physician reported that the claimant was unable to work any kind of job and it was not known how long he would be incapacitated from this condition.

The claimant reopened his claim for unemployment insurance benefits during the week of February 24, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. The claimant quit his employment as of January 30, 2008, when he gave the employer's nurse a note indicating he could not work at his current job because of on-going medical issues he had involving his hands. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code section 96.6-2.

The law presumes a claimant voluntarily quits employment with good cause when he leaves employment because continued employment would be hazardous to his health. Before a claimant is qualified under this regulation, he must advise the employer of the medical condition and he intends to quit unless the employer can resolve the problem or can reasonably accommodate the claimant. 871 IAC 24.26(6)(b). The facts show the employer knew the claimant had problems with his hands after he began working for the employer by transferring the claimant to various jobs. The claimant's doctor restricted the claimant and advised the claimant to quit this employment. Under 871 IAC 24.26(6)(b), the claimant established he is qualified to receive benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

The claimant testified that as of the date of the hearing, his doctor had not released him to work. This raises an issue of whether the claimant is able to or available for work. This issue is remanded to the Claims Section to investigate and make a written decision.

**DECISION:**

The representative's March 28, 2008 decision (reference 03) is affirmed. The claimant voluntarily quit his employment for reasons that qualify him to receive benefits. As of February 24, 2008, the claimant is qualified to receive benefits, provided he meets all other

eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged. An issue of whether the claimant is able to and available for work as of February 24, 2008, is remanded to the Claims Section to investigate and issue a written decision.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs