

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LORINE S BLASSINGAME
Claimant

MASTERTSON PERSONNEL INC
Employer

APPEAL 15A-UI-04452-KC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 7, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 19, 2015. The claimant participated. The employer participated through Jim Robertson, unemployment operations manager. Employer's Exhibit 1 was received into evidence.

ISSUE:

Did the claimant voluntarily quit employment without 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 full-time, on an assignment, as a production assembler beginning September 15, 2014. She was separated from employment on September 26, 2014, when she quit.

The claimant developed symptoms of carpal tunnel syndrome before she began an assignment working in a mattress factory in September 2014. She did not inform the employer of any physical limitations related to carpal tunnel syndrome before she accepted the assignment. She did not receive treatment or any restrictions from a physician after an initial assessment that occurred before September 2014.

The claimant's position involved constructing mattresses of various sizes and lifting the mattresses. She experienced hand pain after performing the job for less than two weeks. On the last day that she worked, her hands became swollen and she had difficulty gripping. She was unable to sleep that evening due to hand pain.

On September 26, 2014, the claimant went to the employer regarding her assignment and reported that she could not continue to work due to hand pain. She indicated the requirements of the job exacerbated her hand pain. She provided no medical documentation of a diagnosis or any physical restrictions identified by a treating physician. The claimant requested another

assignment but declined other available positions identified by the employer because they were not full time. On September 29, 2014, she signed a document provided by the employer entitled "voluntary quit form" indicating that she quit because she was "forming carpal tunnel in both hands from working at Winnebago." (Exhibit 1)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

While the claimant's leaving of employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. The claimant did not inform the employer, or the company to which she was assigned, that she had hand restrictions. She declined other assignment positions that were subsequently available for reasons other than limitations related to her hands. In particular, she declined future assignments because there was no guarantee of full-time employment. Benefits must be denied.

DECISION:

The April 7, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Kristin A. Collinson
Administrative Law Judge

Decision Dated and Mailed

kac/pjs