

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**ADRIANNE M MCATEE**  
Claimant

**FAWN CREEK COURT & SALES LTD**  
Employer

**APPEAL 18A-UI-12398-DG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/02/18  
Claimant: Respondent (1)**

Iowa Code § 96.5(1)d – Voluntary Quitting/Illness or Injury

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated December 21, 2018, (reference 01) that held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 4, 2019. Claimant participated by Kelly Versandal, Hearing Representative. Employer participated by Jill Williams, Sales Manager and was represented by Matthew McQuillen, Attorney at Law. Claimant's Exhibit A was admitted into evidence.

**ISSUES:**

The issue in this matter is whether claimant quit for good cause attributable to employer?  
Is the claimant qualified for benefits based upon her medically-related separation from the employment?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 2, 2018.

The claimant began working for employer as a full-time sales representative sometime in 1984. Claimant began suffering from work-related stress and stress from personal issues beginning sometime in the summer of 2018. Claimant sought medical treatment for stress in September, 2018. Claimant began having issues with high blood pressure which her treating physician believed was being aggravated by her work environment. Claimant did notify the employer that she was having stress related problems, and did request accommodations from the employer. Employer was not able to accommodate claimant's request.

Claimant continued suffering from work-related stress through the fall into the winter of 2018. Claimant met with her treating physician Holly Gingerich, PA-C on December 7, 2018. Claimant was advised to discontinue working for employer because her work environment was exacerbating her illness. (Claimant's Exhibit A)

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment for no disqualifying reason.

Iowa Code section 96.5(1)*d* 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. But the individual shall not be disqualified if the department finds that:

*d.* The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Iowa Admin. Code r. 871-24.26(6)*b* provides:

**Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits.** The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(6) Separation because of illness, injury, or pregnancy.

*b. Employment related separation.* The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

The claimant has established that the injury was caused or aggravated by the employment, and claimant told employer that she was unable to continue completing the assigned tasks that were exacerbating her medical condition. Furthermore, the treating physician specifically advised claimant not to return to work for this employer because in her opinion the employment was causing claimant's medical condition, and it was contrary to claimant's best interest.

While a claimant must generally return to offer services upon recovery, subparagraph (d) of Iowa Code § 96.5(1) is not applicable where it is impossible to return to the former employment

because of medical restrictions connected with the work. See *White v. Emp't Appeal Bd.*, 487 N.W.2d 342 (Iowa 1992). Where disability is caused or aggravated by the employment, a resultant separation is with good cause attributable to the employer. *Shontz v. Iowa Emp't Sec. Comm'n*, 248 N.W.2d 88 (Iowa 1976). 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. Iowa Emp't Sec. Comm'n*, 76 N.W.2d 787 (Iowa 1956).

Because claimant's medical condition was caused or aggravated by the working conditions, the decision not to return to the employment according to the treating medical professional's advice was not a disqualifying reason for the separation. Benefits are allowed.

**DECISION:**

The December 21, 2018, (reference 01) decision is affirmed. The claimant voluntarily left the employment for no disqualifying reason. Benefits are allowed, provided she is otherwise eligible.

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Duane L. Golden  
Administrative Law Judge

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Decision Dated and Mailed

dlg/scn