

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CAREY LACKOVICH
Claimant

HYPRO INC
Employer

APPEAL NO. 18A-UI-03023-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/04/17
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 26, 2018, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 30, 2018. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

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 February 3, 2018. Claimant voluntarily quit on that date.

Claimant stated that she voluntarily quit because she had ongoing pain in her thumbs that made working as a machinist uncomfortable. Employer granted claimant time off in 2017 so she could have carpal tunnel surgery. After a couple months of recovery, claimant's doctor released claimant to return to work without restrictions in July 2017.

Claimant had further hand problems. By February 2018, she didn't believe she could continue working and contacted human resources. Human resources asked her to contact her boss, and her boss's boss. Claimant did, and when meeting with the people did not ask for any differing job, and did not present any medical document concerning her problems. Claimant hadn't gone to the doctor prior to her quit and hadn't received any restrictions as to her ability to work. Claimant simply stated that she was quitting.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because her hand was still aching after she had carpal tunnel surgery. Claimant's doctor had not written any new note after the doctor released claimant with no restrictions. Claimant did not request a transfer to a different job prior to her quit.

DECISION:

The decision of the representative dated February 26, 2018, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn