

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**FAITH A LEBECK**

Claimant

**SHEARERS FOODS BURLINGTON LLC**

Employer

**APPEAL NO. 17A-UI-02061-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/22/17**

**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 17, 2017, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 15, 2017. Claimant participated. Employer participated by Melissa Stiffler. Employer did not answer the phone when called 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 January 9, 2017. Claimant voluntarily quit on that date because claimant's had work restrictions imposed by her doctor because of her high risk pregnancy would not allow for her to continue work at any job employer had available for her.

When told of her pregnancy and its restrictions imposed by her doctor, employer moved claimant from a 12 hour shift to an 8 hour shift. Employer also moved claimant to a different line. Claimant was unable to keep up with the requirements of this line that she had been moved to. Employer attempted to find other jobs to moved claimant, but none were available. Claimant voluntarily quit her job on January 9, 2017 when employer could find no job to place claimant.

**REASONING AND CONCLUSIONS OF LAW:**

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.

Iowa Admin. Code r. 871-24.25(35) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(35) The claimant left because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to:

- (a) Obtain the advice of a licensed and practicing physician;
- (b) Obtain certification of release for work from a licensed and practicing physician;
- (c) Return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician; or
- (d) Fully recover so that the claimant could perform all of the duties of the job.

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 she had an at-risk pregnancy and employer did not have a job available to move claimant.

**DECISION:**

The decision of the representative dated February 17, 2017, reference 03, 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/rvs