

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAN K WILCOX
Claimant

APPEAL NO. 14A-UI-07146-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CASEY'S MARKETING COMPANY
Employer

OC: 12/29/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jan Wilcox (claimant) appealed a representative's July 7, 2014, decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Casey's Marketing Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 4, 2014. The claimant participated personally. The employer participated by Debra Conrad, Store Manager. The claimant offered and Exhibit A was received into evidence.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on December 26, 2013, as a full-time cashier. On March 5, 2014, the claimant provided the employer with a medical excuse from her physician's assistant indicating she had to sit on a stool at work. All the claimant's work could not be performed from a stool. The employer requested more information to accommodate the claimant. The employer wondered how long the claimant needed to sit per hour.

On March 6, 2014, the claimant provided a medical excuse from an advanced registered nurse practitioner stating the claimant should be allowed to perform stationary work while sitting on a stool. The claimant could move about and do other jobs. Again, the employer requested more information, as its original questions had not been answered. The employer was willing to accommodate and follow a directive from a physician but the excuse did not indicate the amount of time the claimant should sit on the stool. The claimant did not provide the employer with another medical excuse.

On or about March 17, 2014, the claimant told the employer she was quitting effective March 31, 2014. The employer accepted her resignation. The claimant's physician did not indicate she should quit her work due to medical issues. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work 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.

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). The claimant's intention to voluntarily leave work was evidenced by the claimant's words and actions. The claimant told the employer she was quitting and stopped appearing for work. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's July 7, 2014, decision (reference 02) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs