

conditions involved with the job aggravated her asthma. The claimant advised the employer about her medical problems and asked to be transferred to a job that she had previously held that did not aggravate her asthma. The employer would not transfer her back to that job so the claimant left employment.

The only restriction that the claimant has is an inability to work in extreme temperatures and high humidity. The claimant is otherwise able to and available for work.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

Iowa Code section 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 unemployment insurance rules provide that a claimant is qualified to receive benefits if compelled to leave employment due to a medical condition attributable to the employment. The rules require a claimant: (1) to present competent evidence that conditions at work caused or aggravated the medical condition and made it impossible for the claimant to continue in employment due to a serious health danger and (2) to inform the employer before quitting of the work-related medical condition and that she intends to leave employment due to the condition but no suitable work is offered to the claimant. 871 IAC 24.26(6)b.

The claimant has substantially satisfied the conditions for receiving unemployment insurance benefits found in 871 IAC 24.26(6)b. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

The next issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code section 96.4-3. The rules provide that a claimant remains able to work as long as she is able to perform full time work, even if she is not able to perform his former job. The evidence in this case is clear that the claimant was able to work full time just not in a job that involves extreme temperatures and high humidity.

DECISION:

The unemployment insurance decision dated October 14, 2005, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/pjs