

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**DUWAYNE R FEDKENHEUER
PO BOX 95
GOLDFIELD IA 50542**

**ADVANCED DRAINAGE SYSTEMS INC
c/o ADP UCM SERVICES INC
PO BOX 66744
ST LOUIS MO 63166-6744**

**Appeal Number: 04A-UI-09690-BT
OC: 08/15/04 R: 01
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

DuWayne Fedkenheuer (claimant) appealed an unemployment insurance decision dated September 2, 2004, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Advanced Drainage Systems, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 20, 2004. The claimant participated in the hearing. The employer participated through Managers Dave Schmauss and Mitch Kirkland.

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 employed as a full-time supervisor from September 19, 2000 through August 16, 2004. He was promoted to a foreman in March 2004 even though he was not quite ready for it. He was advised it would be a probationary position and was encouraged to talk to the employer if he had any problems. The claimant never spoke to the employer about any problems until a couple days before July 1, 2004 when he told the employer he was stressed out and the job was too stressful. On July 1, 2004, he walked off the job and sought in-patient treatment for five days for stress. He was off work until July 15, 2004 when he returned and worked on the line for two weeks. He did not talk to the employer about any problems but subsequently called in sick on July 28, 2004. The claimant was off with a medical excuse and after he was released to return to work, he never returned.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits.

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 claimant voluntarily quit on August 16, 2004 when he failed to report to work after being released by his physician to return to work. He has the burden of proving that the voluntary quit was for a good reason that would not disqualify him. Iowa Code Section 96.6-2. The claimant became stressed out as a result of being placed in a foreman position. An individual who voluntarily leaves their employment due to an alleged work-related illness or injury must first give notice to the employer of the anticipated reasons for quitting in order to give the employer an opportunity to remedy the situation or offer an accommodation. Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993).

Although the claimant's notice to the employer about the problem was minimal, the employer tried to accommodate him by placing him back on the line where he did not have any previous problems. Since the claimant quit even after the employer tried to resolve the problem, the separation was without good cause attributable to the employer. Benefits are denied.

DECISION:

The unemployment insurance decision dated September 2, 2004, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

sdb/b