

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERESA A SNODGRASS
Claimant

APPEAL NO. 11A-UI-04461-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VON MAUR INC
Employer

**OC: 02/20/11
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 29, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on May 2, 2011. Claimant participated. Employer participated by Jennifer Housley, Human Resources Manager and Jamie Moss, Risk Management. Employer's Exhibit 1 was admitted into evidence.

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 was employed with the employer from November 8, 2010 through January 29, 2011. She voluntarily quit her employment because she was not receiving breaks of 10-15 minutes every two hours as recommended by the physical therapist chosen by the doctor for her work injury of December 4, 2010. This occurred on January 28 and January 29, 2011.

REASONING AND CONCLUSIONS OF LAW:

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 was not provided breaks as recommended by the employer's chosen medical providers to treat the claimant's work injury. This caused the claimant to experience worsening of her medical condition. Therefore, her leaving is with good cause attributable to the employer. See 871 IAC 24.26(4).

DECISION:

The March 29, 2011, reference 01, decision is reversed. Benefits are allowed, provided claimant is otherwise eligible.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/css