

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**WILLIAM C COLVIN**  
Claimant

**FEATHERLITE INC**  
Employer

**APPEAL 15A-UI-04112-JCT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/08/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 24, 2015 (reference 01) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on May 6, 2015. The claimant participated. The employer participated through Magda Hoffman. Tina Fitzgerald was an observer for the employer. Claimant's Exhibit One was admitted.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as an assemblyman and was separated from employment on February 11, 2015; when he voluntarily resigned. Continuing work was available.

The claimant has depression, anxiety and bipolar disorder. He had previously been treated for depression and in January began new medications to address the anxiety and bipolar illness. He was working on adjusting to the new medications at the time of separation and resigned due to his illness. No medical documentation was provided to the employer indicating his physician was advising his resignation, and he did not explore options such as FMLA or a leave of absence before resigning verbally to Odie Clemish.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was 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.

Iowa Code § 96.5-1-d 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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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). In this case, the claimant voluntarily resigned to address ongoing medication concerns. Prior to his resignation, the claimant was not advised by his doctor that he needed resign. The claimant did not make his employer aware of any requests for accommodations (such as a reduced work day) or request a leave of absence to adjust to new medications while preserving his employment.

The administrative law judge recognizes the claimant is going through a difficult time as he addresses his new medications. However, the claimant voluntarily quit due to a personal illness, and while the claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The March 24, 2015 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

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