

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS R COPPER
Claimant

APPEAL NO. 11A-UI-08144-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

G & K SERVICES COMPANY
Employer

**OC: 05/15/11
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

G & K Services Company filed a timely appeal from an unemployment insurance decision dated June 10, 2011, reference 01, that allowed benefits to Thomas R. Copper. After due notice was issued, a telephone hearing was held on July 14, 2011 with Mr. Copper participating. Human Resources Representative Sarah Murdock participated for the employer.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Thomas R. Copper was employed by G & K Services Company from March 7, 2011 until he resigned May 20, 2011. He last worked as a route sales representative. The work caused significant pain in Mr. Copper's hands. He consulted Dr. Susan Jacobi of the Mercy Arthritis and Rheumatology Center who suggested that he seek other employment. Before doing so, he spoke with management of G & K Services Company about the situation. The employer was not able to accommodate the situation on a permanent basis. Mr. Copper then left employment.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does.

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.

An individual may receive unemployment insurance benefits under some circumstances if the individual resigns because of a medical condition caused or aggravated by working conditions. See 871 IAC 24.26(6)b. In order to receive benefits under such circumstances, the evidence must establish that before resigning the employee inform the employer of the medical condition and give the employer a reasonable amount of time to find an accommodation. See Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993). The evidence here persuades the administrative law judge that the requirements of the Suluki decision have been met. Under these circumstances, the claimant is entitled to receive unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated June 10, 2011, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs