

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN STUCZYNSKI

Claimant

APPEAL NO. 12A-UI-09368-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BLUE BEACON MANAGEMENT INC

Employer

OC: 07/01/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Brian Stuczynski filed a timely appeal from an unemployment insurance decision dated July 25, 2012, reference 01, that disqualified him for benefits. After due notice was issued, a telephone hearing was held August 28, 2012, with Mr. Stuczynski participating. Exhibit A was admitted into evidence on his behalf. Human Resources Manager Mark Brown testified for the employer, Blue Beacon Management, Inc., which was represented by Roger Miller of Employer's Unity.

ISSUE:

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

FINDINGS OF FACT:

Brian Stuczynski was employed by Blue Beacon Management from 1999 until he resigned on or about July 5, 2012. He last worked as a shift supervisor. Mr. Stuczynski has suffered from anxiety, high blood pressure, and assorted physical ailments for some years. His physician had told him informally that he should try to find more "low-impact" work.

Mr. Stuczynski was absent because of illness on July 3 and 4, 2012. He did not report to work on July 5, 2012. His supervisor, Gordon Vincent, sent a text message to him. In a series of following text messages, Mr. Stuczynski notified Mr. Vincent that he was leaving the company because he could not do the work any longer. Prior to resigning, Mr. Stuczynski had not requested any medical accommodations and had not discussed an impending resignation with Mr. Vincent or his supervisor, Will Alpiz.

REASONING AND CONCLUSIONS OF LAW:

Under some circumstances, an individual may receive unemployment insurance benefits if the individual has resigned because of a medical condition caused or aggravated by working conditions. Before benefits may be awarded, the record must establish that the individual resigned upon the advice of his physician. The evidence here does not establish that Mr. Stuczynski resigned in July 2012 upon the specific advice of his doctor. Further, the evidence must establish that, before resigning, the individual told the employer of the medical

condition and put the employer on notice that he would resign if the employer did not provide an adequate accommodation. The individual must then give the employer a reasonable amount of time to make the accommodation. See Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993). Nothing in this record indicates such a dialog between Mr. Stuczynski and anyone from Blue Beacon in the weeks preceding his resignation on July 5, 2012. Under these circumstances, benefits must be withheld.

DECISION:

The unemployment insurance decision dated July 25, 2012, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw