

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALICE J BRADWAY
Claimant

APPEAL NO. 06A-UI-10026-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NISHNA PRODUCTIONS INC
Employer

**OC: 09/10/06 R: 01
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 10, 2006, reference 02, that concluded the claimant was not eligible to receive unemployment because she voluntarily left employment for reasons that are not directly related to the employment. A telephone hearing was held on October 30, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Marcie Bisbee and Stacy Perez participated in the hearing on behalf of the employer.

ISSUES:

Did the claimant voluntarily leave employment for reasons attributable to the employment? Was the claimant discharged for misconduct in connection with her work?

FINDINGS OF FACT:

Having heard the testimony and having examined the record, the administrative law judge finds the following facts: Ms. Bradway worked for the captioned company from June 2000, until August 27, 2006, when she left her work because of “burn-out” due to working two jobs and because she feared making a mistake in her job as a medication aide. Work continued to be available to the claimant at the time of her leaving and the employer was satisfied with the claimant's work. Additional training was available to the claimant. Ms. Bradway chose to keep her other job because the person she was working for needed the claimant's help. Ms. Bradway was not advised to leave her job by her doctor.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

Ms. Bradway left her job with this care center so that she could continue working for a second employer that the claimant felt needed the claimant's assistance more than Nishna did. The claimant felt the two jobs were too much for her to handle and chose to leave this employer because she preferred the other employment because the patient "needed" her assistance. Work continued to be available to the claimant when she chose to leave. The company had no issues with the way Ms Bradway did her job and there were other workers present to assist the claimant, if necessary. Because she chose to leave her work for no reason that was caused by the employer, the administrative law judge must hold the leaving was disqualifying.

DECISION:

The unemployment insurance decision dated October 05, 2006, reference 02, is affirmed. The claimant left work for personal reasons that were disqualifying.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

tpn/cs