

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DIANA L KROLICK**  
Claimant

**APPEAL NO. 07A-UI-04530-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BROADLAWNS MEDICAL CENTER**  
Employer

**OC: 04/01/07 R: 02  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated April 26, 2007, reference 01, that concluded she voluntarily left employment without good cause attributable to the employer. A telephone hearing was held on May 21, 2007. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Rick Barrett participated in the hearing on behalf of the employer with witnesses Janey Ladd and Kim Johnson. Exhibits One through Seven were admitted into evidence at the hearing.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked full time for the employer as an accounts receivable representative from August 25, 2003, to March 26, 2007. She was off work in February and March due to health problems. She returned to work on March 26, 2007. Her supervisor, Janey Ladd, assigned her the task of working with another accounts receivable representative "pulling and copying RAs, matching screen prints, and putting all necessary paperwork together for a refund resolution." She told Ladd that she was not able to perform the assigned work and left to go talk to someone in human resources. She told the human resources representative she was not physically able to do the assigned work.

The claimant then left work and went home. Later that morning, the claimant had her husband send an e-mail to Ladd indicating that she was ill and was not returning to work. The claimant was absent on March 27, 28, 29, and 30, 2007, with notice to the employer.

The claimant submitted a medical statement from her treating physician's assistant on March 27 stating that the claimant could return to work on March 28 with restrictions that she not stand for more than one hour at a time and there being no repetitive bending at the knee or kneeling. The physician's assistant completed another medical statement on March 30 that defined repetitive bending as bending the knee no more than five to six times an hour, climbing stairs no more than once an hour, and no kneeling.

After receiving the March 30 medical statement, the vice president of business services, Al White, wrote a letter to the claimant stating the employer would follow the restrictions outlined in the March 27 and 30 medical statements. Specifically, White stated the claimant would not be required to stand for more than an hour and would not be required to do repetitive bending at the knee or kneeling as part of her job functions. The letter stated if the claimant unjustifiably failed to return to work on April 3, 2007, the employer would treat it as a voluntary resignation.

The claimant submitted a written resignation on April 2, 2007, stating that she was quitting because the employer was requiring her to perform new job responsibilities that she was not physically able to perform. The task assigned to the claimant on March 26 was part of the duties of the accounts receivable representative and was not a permanent job assignment but was part of a special effort to clean up some accounts. Other accounts receivable representative had been given this same task.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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 evidence fails to establish good cause attributable to the employer for quitting. There was no breach of the employment agreement. The claimant was not being asked to perform work other accounts receivable representatives were not asked to do. At the point, the claimant quit, the employer had agreed that it would adhere to the work restrictions imposed by her health care provider.

**DECISION:**

The unemployment insurance decision dated April 26, 2007, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs