

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance rules provide that a claimant is qualified to receive benefits if compelled to leave employment due to a medical condition attributable to the employment. The rules require a claimant: (1) to present competent evidence that conditions at work caused or aggravated the medical condition and made it impossible for the claimant to continue in employment due to a serious health danger and (2) to inform the employer before quitting of the work-related medical condition and that she intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b.

The claimant has not established that before quitting she informed the employer of her work-related health condition and that she intends to quit unless the problem is corrected or condition is reasonably accommodated.

The unemployment insurance law further provides that an individual is qualified to receive benefits if she: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that she needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but her regular work or comparable suitable work was not available. Iowa Code Section 96.5-1-d. The claimant has established that she left work due to illness with the advice of a licensed doctor and informed the employer that she needed to leave work, but she has not offered to return to work.

The claimant, therefore, is disqualified until she has requalified by either: (1) earning wages for insured work equal to ten times her weekly benefit amount, or (2) offering to return to work for the employer after fully recovering from her illness, but the employer has no comparable work available for the claimant.

DECISION:

The unemployment insurance decision dated September 22, 2005, reference 02, is affirmed. The claimant is disqualified until she has requalified by either: (1) earning wages for insured work equal to ten times her weekly benefit amount, or (2) offering to return to work for the employer after fully recovering from her illness, but the employer has no comparable work available for the claimant.

saw/s