

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CINDY A BALDWIN MAXWELL**  
Claimant

**APPEAL NO. 12A-UI-06996-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AEROTEK INC**  
Employer

**OC: 05/13/12**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Cindy Baldwin Maxwell, filed an appeal from a decision dated June 5, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 9, 2012. Neither the claimant nor the employer provided telephone numbers where they could be contacted and no hearing was held.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

The claimant did not provide a telephone number where she could be contacted but did submit some documents as potential exhibits. After examining the documents, which included a written statement from Ms. Baldwin-Maxwell, it appears she was injured in a non-work-related fall on the ice February 24, 2012. Her diagnosis included cervical strain, back strain, and contusions.

She was released to return to work without restrictions March 2, 2012. Another doctor's statement dated March 8, 2012, released her to return to work without restrictions March 12, 2012.

Ms. Baldwin-Maxwell's statement indicated she "left her job" because her pain medications were causing her to fall asleep on duty, and she continued to be in "too much pain" and quit.

**REASONING AND CONCLUSIONS OF LAW:**

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.

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.

The record establishes the claimant quit. This was due to a non-work-related injury and the medication she was prescribed as a result. There is nothing in the claimant's submitted documents to indicate a physician recommended she quit her job or that she has recovered sufficiently to return to the employer and offer her services. There is no good cause attributable to the employer for the resignation and benefits are denied.

**DECISION:**

The representative's decision of June 5, 2012, reference 01, is affirmed. Cynthia Baldwin-Maxwell is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw