

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA K LOVING
Claimant

APPEAL NO. 10A-UI-10124-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CATFISH BEND CASINOS II LLC
Employer

OC: 06/20/10
Claimant: Appellant (1)

Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 15, 2010, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on September 1, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Steve Morley participated in the hearing on behalf of the employer with a witness, Shanna Miller.

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 a housekeeper and supervisor from October 5, 2006 to March 10, 2010.

The claimant was on leave under the Family and Medical Leave Act (FMLA) due to non-work-related back problems until April 30, 2010. On that day, she informed her supervisor that she would not be working for the employer because her doctors said she could not work and needed to see a specialist.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1. The evidence in this case shows the claimant quit work without good cause attributable to the employer.

The unemployment insurance law provides that 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 § 96.5-1-d. The claimant does not qualify for benefits under this law, because she has not fully recovered from her injury and has not offered to return to work.

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 the claimant intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b. The claimant is not qualified under this rule, because the claimant did not ask for accommodation to allow her to continue to work.

DECISION:

The unemployment insurance decision dated July 15, 2010, 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 or satisfies the conditions of Iowa Code § 96.5-1-d.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw