

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMBERLY A MEEK
Claimant

APPEAL NO. 10A-UI-11956-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SAC & FOX TRIBE
Employer

OC: 07/25/10
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Kimberly Meek, filed an appeal from a decision dated August 19, 2010, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on October 13, 2010. The claimant participated on her own behalf. The employer, Sac and Fox Tribe, participated by Human Resources Director Thomas Swartz.

ISSUE:

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

FINDINGS OF FACT:

Kimberly Meek was employed by Sac & Fox from March 2, 2004 until July 19, 2010. At the time of separation she was a full-time host/cashier. The claimant had suffered a work-related injury to her left wrist in 2008, and re-injured it in 2009. She was on light duty as the host/cashier during that time.

In the spring of 2010 she developed a rapid heart rate and was referred by her family doctor to several heart specialists. None of them could diagnose a cause but she went on FMLA in April 2010. Her last medical appointment was July 13, 2010, to her family doctor and she was released to return to work July 21, 2010, without restrictions. She gave a written resignation to Food and Beverage Manager Mary Diehl on July 19, 2010.

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.

The employer had accommodated all of Ms. Meek's medical restrictions for her wrist as required. But no doctor ever provided any statements to the employer requesting work restrictions due to her rapid heart rate. In addition, none of the doctors ever diagnosed the heart problem as being in any way related to Ms. Meek's job duties. Her release to return to work without restrictions would indicate the doctors believed the problem not to be work-related.

The record establishes the claimant quit without a specific recommendation to resign from a doctor and the health problems were not work-related. She quit without good cause attributable to the employer and is disqualified.

DECISION:

The representative's decision of August 19, 2010, reference 01, is affirmed. Kimberly Meek is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeyer
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs