

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREA L SMITH
Claimant

APPEAL NO: 08A-UI-11049-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

OC: 10/05/08 R: 04
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Sedona Staffing (employer) appealed a representative's November 18, 2008 decision (reference 02) that concluded Andrea L. Smith (claimant) was qualified to receive benefits even though she voluntarily quit her employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 10, 2008. The claimant participated in the hearing. Colleen McGuinty, the unemployment benefits administrator, and Joe Vermeulen, an account manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her job assignment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer March 25, 2008. The claimant requested a clerical job assignment. The employer assigned the claimant to a long-term assignment working as a data processor. Shortly after the claimant started this job assignment, she asked for another job because this job was not working out for her. The employer did not assign her to another job.

The data processing job was repetitive work with no end result. The claimant's job did not allow her to complete a project. The work the claimant performed aggravated a mental disorder the claimant had before she began working for the employer. As a result of the repetitive work and no completed project, the claimant experienced with more frequency anxiety or panic attacks.

On August 4, the claimant had to go to the emergency room for an anxiety attack. She contacted the employer on August 4 to report she was unable to work. On August 5, the claimant told the employer she was unable to work and she had a doctor's appointment that day. The claimant's doctor restricted her from doing any work until August 11, 2008. The

claimant's treating physician also advised the claimant to stop working as a data processor because the repetitiveness of the job with no end result triggered her anxiety attacks.

On August 8, the claimant went to the employer's office and talked to Carrie. The claimant told Carrie she could not continue her job assignment as a data processor and explained why. The claimant asked the employer for another job. On August 11, 2008, the claimant called the employer's office and again asked about being assigned to another job. Vermeulen talked to the claimant on August 11 and understood she had to quit the data processor job for on-going health issues.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. The claimant quit an on-going job assignment on August 8, 2008. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code section 96.6-2.

The law presumes a claimant quits with good cause when she is compelled to leave because the employment aggravated an illness that makes it impossible for the claimant to continue employment because of serious danger to the employee's health. The claimant must present competent evidence showing adequate health reasons to justify termination and before quitting the claimant must inform the employer of the work-related health problem and inform the employer she intends to quit unless the employer can make reasonable accommodations. 871 IAC 24.26(6)(b).

The facts presented during the hearing show the claimant went to the emergency room on August 4 because of an anxiety attack. The claimant saw her treating physician on August 5. The claimant's physician restricted her from doing any work until August 11, 2008. On August 8, the claimant talked to the employer and explained the medical problems she suffered and how working as a data processor, the repetitiveness of the job, aggravated a mental condition the claimant had. On August 8, the claimant told the employer that she had been experiencing frequent anxiety attacks after she started to work as a data processor. As a result, her physician advised the claimant to quit this job. The claimant told the employer she wanted to continue to work, but not as a data processor. The claimant asked the employer for another job assignment. When the employer did not have another job to assign her, the claimant became unemployed because she quit working as a data processor at a job assignment she had been working since March 25, 2008.

Since Carrie did not participate in the hearing, the claimant's testimony about her August 8 discussion with Carrie was not disputed. Based on the facts presented during the hearing, the claimant established that she was compelled to voluntarily quit this job assignment and satisfied the requirements of 871 IAC 24.26(6)(b). As a result, the reasons for her employment do not disqualify the claimant from receiving benefits.

DECISION:

The representative's November 18, 2008 decision (reference 02) is affirmed. The claimant involuntarily terminated her employment as the result of a medical condition that was aggravated when she worked as a data processor. As of October 5, 2008, the claimant is qualified to receive benefits provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs