

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FRANCES M COCKRELL COLTON
Claimant

APPEAL NO. 13A-UI-12654-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CATHOLIC HEALTH INITIATIVES
Employer

OC: 09/29/13
Claimant: Appellant (2)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Frances Cockrell Colton, filed an appeal from a decision dated November 7, 2013, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on December 10, 2013. The claimant participated on her own behalf. The employer, Catholic Health Initiatives (CHI), did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

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

FINDINGS OF FACT:

Frances Colton was employed by CHI from May 29, 2007 until September 6, 2012 as a full-time certified medical aide. She was injured on the job December 15, 2011 and May 29, 2012. She was on light duty and the employer tried to accommodate and was undergoing various treatments.

Kindra Buchanan of the employee health center finally told her there was no work she was able to do with her restrictions on September 6, 2012.

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 record establishes the claimant did not quit. She was released from her job because she was no longer able to perform the essential duties required. This is not a voluntary quit and disqualification may not be imposed.

DECISION:

The representative's decision of November 7, 2013, reference 02, is reversed. Frances Colton is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs