

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERESA M ALVIS**  
Claimant

**APPEAL NO: 12A-UI-11410-D**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MATRIX METALS LLC**  
Employer

**OC: 01/01/12**  
**Claimant: Appellant (1)**

Section 96.5-1-d – Voluntary Leaving/Illness or Injury

**STATEMENT OF THE CASE:**

Teresa M. Alvis (claimant) appealed a representative's September 19, 2012 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Matrix Metals, L.L.C. (employer). After hearing notices were mailed to the parties' last-known addresses of record, an in-person hearing was held on November 8, 2012. The claimant participated in the hearing. Linda Leffler appeared on the employer's behalf. During the hearing, Claimant's Exhibits A, B, C, and D were entered into evidence. 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 without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant started working for the employer on September 29, 2004. She worked full time as a permix core maker in the employer's steel foundry. Her last day of work was July 10, 2012.

The claimant called in absences due to illness from July 11 through July 23. She ceased calling in absences after July 23 because she had decided not to attempt to return to work with the employer. When she spoke with a payroll representative on about July 19 she had discussed the possibility of seeking short-term disability or FMLA (Family Medical Leave), but as she had decided she did not wish to return to employment with the employer, she also did not pursue either of the leave options.

The reason the claimant decided to leave her employment was that she had been suffering from anxiety; she was first diagnosed with anxiety on July 12, 2012. She attributed her anxiety to stress from dealing with the employer's management on an issue relating to the applicable rate of pay under certain circumstances.

The claimant's doctor had agreed on July 12 that the claimant should be off work for at least one week because of the initiation of medication which could cause drowsiness and also

because “her mental capacity at this time is also altered to a state of anxiety/panic attacks.” There is no evidence that the doctor subsequently advised the claimant that she should not return to her employment. The claimant did not inform the employer that she was contemplating quitting because of her condition or that if accommodations were not made that she would quit.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit, she would not be eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Under some circumstances, a quit for medical or health reasons is attributable to the employer. Iowa Code § 96.5-1. Where factors and circumstances directly connected with the employment caused or aggravated an employee’s illness, injury, allergy, or disease can be good cause for quitting attributable to the employer. 871 IAC 24.26(6)b. However, in order for this good cause to be found, prior to quitting the employee must present competent evidence showing adequate health reasons to justify ending the employment, and before quitting must have informed the employer of the work-related health problem and inform the employer that the employee intends to quit unless the problem is corrected or the employee is reasonably accommodated. 871 IAC 24.26(6)b.

The claimant has not presented competent evidence showing adequate health reasons to justify her quitting. Further, before quitting she did not inform the employer of the asserted work-related health problem and inform the employer that she intended to quit unless the problem was corrected or reasonably accommodated. Accordingly, the separation is without good cause attributable to the employer and benefits must be denied.

**DECISION:**

The representative’s September 19, 2012 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of July 24, 2012, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/pjs