

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

QUENESHA CARTER
Claimant

APPEAL NO: 15A-UI-12848-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 10-25-15
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 13, 2015, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 9, 2015. The claimant participated in the hearing. Shannon Wehr, Human Resources Clerk, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time production packager for Tyson Fresh Meats from February 20, 2012 to October 20, 2015. She voluntarily left her employment because she was diagnosed with a repetitive right shoulder injury in April 2015 and continued to experience pain throughout the remainder of her employment. Her personal physician told her that if she continued performing that type of work she might get arthritis.

The claimant never reported the situation to the employer or asked to be moved to a different job. She was placed on a two-week leave of absence by her personal physician in April 2015 and again in October 2015. She did not tell the employer she planned to quit if it could not accommodate her condition. She resigned effective October 20, 2015.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant never reported her repetitive movement injury that was likely related to her employment to the employer and she never asked to move to a different position or for any type of accommodation for her condition. Additionally, while her doctor suggested she might want to look for other employment because she may be developing arthritis, he did not tell her she must quit working in that environment and it is difficult to establish that arthritis is related to the job as opposed to age or various other activities.

Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005). The claimant's leaving was not based on intolerable or detrimental working conditions, however, but rather on a medical reason. In the Hy-Vee case cited above, the Iowa Supreme Court determined that if an employee left her employment due to a medical condition, she must first notify the employer so it might take steps to help the claimant by moving her to a different position or making an effort to accommodate the injury in some manner.

Because the claimant's physician did not tell her she had to quit her job and the claimant did not inform the employer of her situation, the administrative law judge must conclude the claimant has not met her burden of proving her leaving was for good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The November 13, 2015, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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