

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARK A FOLSOM**

Claimant

**APPEAL NO. 13A-UI-08765-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OPPORTUNITY VILLAGE**

Employer

**OC: 06/30/13**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated July 19, 2013, reference 01, which denied unemployment insurance benefits finding that the claimant voluntarily quit work because he thought work was detrimental to his health. After due notice was provided, a telephone hearing was held on September 4, 2013. The claimant participated. The employer participated by Ms. Cindy Westendorf, Human Resource Manager.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Mark Folsom was employed by Opportunity Village from January 7, 1997 until June 28, 2013 when he voluntarily left his employment. Mr. Folsom was employed as a full-time direct care support professional and was paid by the hour. Mr. Folsom normally worked 7:00 a.m. to 3:00 p.m., Monday through Friday, and one weekend per month. Opportunity Village provides direct care to individuals with disabilities.

Mr. Folsom injured his back on the job on April 2, 2013 and filed a workmen's' compensation claim. The claimant was off work intermittently for approximately 20 days from the date of his injury until June 28, 2013 when he voluntarily left employment. After being placed on light-duty limitations, Opportunity Village removed Mr. Folsom from working in a cottage setting and had the claimant performing lighter duty work that did not violate his lifting under his doctor's limitation.

Mr. Folsom elected to leave his employment with Opportunity Village on June 28, 2013 because he personally believed that continued employment might be detrimental to his health. Mr. Folsom had not been advised to leave his employment by his doctor.

Additional factors in the claimant's decision to leave were his dissatisfaction because the employer would not accept post-dated statements for doctor visits and because he believed that

a company employee was “pressuring him” to come back to weekend work by inquiring when the claimant would be able to do so.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause that was attributable to the employer. It does not.

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 voluntary leaving cases the claimant has the burden of proving that he or she quit employment with good cause attributable to the employer. Iowa Code section 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint.

In the case at hand Mr. Folsom had not been advised to leave employment by a medical practitioner and the evidence does not establish that the employer was failing to follow the doctor’s light-duty limitations. Although he had not been advised by a medical practitioner to do so, Mr. Folsom chose to quit because he personally believed that continuing employment might be detrimental to him. This conclusion by the claimant was not supported by competent medical evidence. The claimant’s additional reasons for leaving appeared to be related to his dissatisfaction with the employer’s failure to accept post-dated doctor appointment statements and because he felt an employee was badgering him by asking him when he could return to work. While these reasons may have been good-cause personal reasons for leaving, they were not good-cause reasons attributable to the employer. Unemployment insurance benefits are withheld.

**DECISION:**

The representative’s decision dated July 19, 2013, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, and is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed