

**BEFORE THE
EMPLOYMENT APPEAL BOARD
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Website: eab.iowa.gov**

KARMIN TEAGUE

Claimant

: **APPEAL NUMBER:** 24B-UI-00943

: **ALJ HEARING NUMBER:** 24A-UI-00943

:

and

:

EMPLOYMENT APPEAL BOARD

:

DECISION

COVENANT MEDICAL CENTER

:

:

Employer

:

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1 96.4-3

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law by adding:

Iowa Code section 96.5(1)d provides:

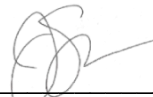
An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

In this case, the Claimant recovered from the surgery, but could not perform the job without accommodation. The Employer attempted to accommodate the Claimant, but she was still unable to perform the job. There is no indication that the Claimant left employment after returning from her surgery based upon the advice of her physician. There was continuing work available and no indication that the Employer told the Claimant that she needed to leave. While the Claimant's reasons for separating from the employment may have been for good personal reasons, it was not for a good cause reason attributable to the Employer under Iowa law. Benefits must be denied.

If the Claimant feels she has requalified for benefits since the separation, she can contact Iowa Workforce Development customer service and provide pay stubs to show the wages she earned from the new employer.



James M. Strohman



Myron R. Linn

SRC/fnv

DATED AND MAILED: MARCH 15 2024