

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**STEPHEN J GIRMAN**  
Claimant

**BRAD DEERY MOTORS**  
Employer

**APPEAL NO. 14A-UI-05079-B2**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/23/14**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated May 12, 2014, reference 06, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 29, 2014. Claimant participated. Employer participated by Dan O'Meara. Employer's Exhibits 1-2 were admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 7, 2014. Claimant had been hired as a car salesman by employer on March 31, 2007. Claimant had a previous back injury that became exacerbated when he moved cars as one of his duties as a car salesman. Claimant did not inform his employer of his previous back injury, nor of any need for special accommodations. On April 2, 2014 claimant moved a number of cars. On April 3, 2014 claimant was in great pain, and he believed that pain was caused by getting in and out of cars numerous times to move them. Claimant went to the emergency room, and got a doctor's note excusing him from work until April 6, 2014.

When claimant returned to work on April 6th, he was on ibuprofen, muscle relaxants and pain medicines. He did not inform his employer of this. Claimant was still hurting, and was asked to move more cars. Claimant had not returned to the doctor, and claimant's doctor's note from April 3rd did not mention any restrictions as to work when claimant returned. Claimant hadn't told the doctor what caused his back injury. When claimant returned to work, he did not go to any sales manager to explain his continuing back problems. Claimant was told by another coworker to move the cars and felt as though he had no options but to quit in order to save his back, and also not risk driving while on pain medications.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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 administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of his ongoing back problems. Claimant did not inform his employer as to his back problems and the extent to which they were giving him ongoing pain. When claimant decided not to tell any of his managers about his ongoing back issues on the 6th of April, there was nothing that employer could do to accommodate claimant and his issues. As employer did not know of the medications that claimant was taking, and further did not know of the specific actions that caused claimant back pain, employer could not tailor claimant's job to specifically address minimizing claimant's chance for further injuries.

As employer was not given an opportunity to make reasonable accommodations for claimant, employer cannot be seen as the cause for claimant's resignation.

**DECISION:**

The decision of the representative dated May 12, 2014, reference 06, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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