

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES M BRENNON
Claimant

APPEAL NO: 12A-UI-10513-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PELLA CORPORATION
Employer

OC: 01/22/12
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

James M. Brennon (claimant) appealed a representative's August 24, 2012 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Pella Corporation (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 24, 2012. The claimant participated in the hearing. Carrie Oltman appeared on the employer's behalf. One other witness, Lorrie Schroeder, was available on behalf of the employer but did not testify. 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:

After a prior period of employment with the employer, the claimant most recently started working for the employer on August 2, 2005. He worked full time as an assembler at the employer's Pella, Iowa plant. His last day of work was August 6, 2012. He voluntarily quit as of that date.

The claimant suffers from arthritis which causes him back pain. No medical evidence was presented to establish that the condition was caused by the work. The claimant provided his own verbal testimony that the condition was aggravated by the work, but presented no medical evidence that this was the case. In July 2012 the claimant had work restrictions of no more than eight hours of work, which the employer was honoring. On or about August 1, 2012 the claimant obtained additional work restrictions from his doctor, no twisting over two hours and no lifting over 20 pounds. The claimant provided these restrictions to the employer on or about August 2. The manager to whom the claimant gave the restrictions indicated that the employer did not immediately have any work which would meet the new restrictions, and that the claimant would need to go on short-term disability until the employer could find something which would work within the restrictions.

On August 3 the claimant called in to report that he was quitting, that he needed a change from the manufacturing environment. He was asked to come in and discuss the matter further on August 6, which he did, but yet confirmed that he was quitting.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit, he 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 medical evidence showing adequate health reasons to justify his quitting. Even accepting the claimant's verbal testimony that the doctor indicated that his condition was aggravated by his work, before quitting he did not give the employer a reasonable opportunity to reasonably accommodate the condition. Accordingly, the separation is without good cause attributable to the employer and benefits must be denied.

DECISION:

The representative's August 24, 2012 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of August 6, 2012 benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css