

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KHAMPHAT UNG**  
Claimant

**FINE LINE WOODWORKS INC**  
Employer

**APPEAL 21A-UI-07267-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/17/21  
Claimant: Appellant (3)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.4(3) – Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the March 2, 2021 (reference 01) unemployment insurance decision that denied benefits to the claimant based upon a voluntarily quitting work. The parties were properly notified of the hearing. A telephone hearing was held on May 20, 2021. The claimant participated personally. The employer participated through witness David McGrath. The parties waived due notice of the issue of whether the claimant was able to and available for work pursuant to Iowa Code § 96.4(3). Employer's Exhibit 1 was admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?  
Was the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a cabinet maker beginning in April of 2014 until January 8, 2021. Claimant has two separate personal medical conditions that made him unable to continue working for the employer. The medical conditions were not related to his work for the employer. Claimant's doctor did not specifically instruct him to quit his position but told him he needed to "take it easy" given his age and medical conditions. Claimant told Mr. McGrath that he was quitting on January 8, 2021 and tendered a written resignation letter afterwards. See Exhibit 1.

Claimant has not fully recovered from either of his two medical conditions and due to the claimant's medical conditions, he is not able to work full-time. Claimant is continuing with treatment for both medical conditions at this time.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

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.

Claimant had an intention to quit and carried out that intention by verbally notifying Mr. McGrath. As such, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

In this case, the claimant voluntarily quit his position due to his medical conditions. Claimant has not recovered from the medical conditions to the point where he could work in this position pursuant to Iowa Code § 96.5(1)d and he did not quit at the advice of his medical provider. As such, the claimant's voluntary quitting was not for a good-cause reason attributable to the employer according to Iowa law and the separation from employment is disqualifying.

The next issue is whether the claimant is able to and available for work. The administrative law judge finds that the claimant is not able to and available for work. Benefits are also denied on that basis effective January 17, 2021, his original claim date.

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(1) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(1) An individual who is ill and presently not able to perform work due to illness.

Iowa Admin. Code r. 871-24.23(35) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

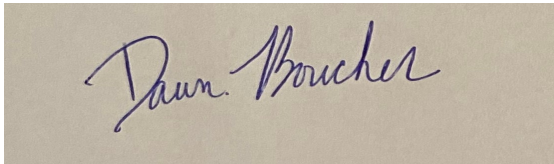
(35) Where the claimant is not able to work and is under the care of a medical practitioner and has not been released as being able to work.

Claimant credibly testified that he is unable to work due to his two personal medical conditions. He is still seeking treatment for the medical conditions at this time. Because the claimant is unable to perform work due to his medical conditions, unemployment insurance benefits funded by the State of Iowa are denied effective January 17, 2021 pursuant to Iowa Code § 96.4(3).

**DECISION:**

The March 2, 2021 (reference 01) unemployment insurance decision is modified in favor of the respondent. Claimant voluntarily quit employment without good cause attributable to the employer. Unemployment insurance benefits funded by the State of Iowa are denied until the claimant has worked in and earned wages for insured work equal to ten times his weekly benefit amount after his January 8, 2021 separation date, and provided he is otherwise eligible.

Unemployment insurance benefits funded by the State of Iowa are also denied effective January 17, 2021 and continuing due to the claimant being unable to work due to injury or illness. Benefits are denied until the claimant establishes that he is able to and available for full-time work.



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Dawn Boucher  
Administrative Law Judge

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May 27, 2021  
Decision Dated and Mailed

db/kmj

**Note to Claimant**

- This decision may determine you are not eligible for regular unemployment insurance benefits funded by the State of Iowa under state law and if you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits funded by the State of Iowa under state law, you may qualify for benefits under the Federal Pandemic Unemployment Assistance (“PUA”) section of the Coronavirus Aid, Relief, and Economic Security Act (“Cares Act”) that discusses eligibility for claimants who are unemployed due to the Coronavirus.
- **You will need to apply for PUA to determine your eligibility under the program.**  
For additional information on how to apply for PUA go to:  
<https://www.iowaworkforcedevelopment.gov/pua-information>.
- If you are denied regular unemployment insurance benefits funded by the State of Iowa and wish to apply for PUA, please visit:  
<https://www.iowaworkforcedevelopment.gov/pua-information> and scroll down to “Submit Proof Here.” You will fill out the questionnaire regarding the reason you are not working and upload a picture or copy of your fact-finding decision. Your claim will be reviewed for PUA eligibility. If you are eligible for PUA, you will also be eligible for Federal Pandemic Unemployment Compensation (FPUC) until the program expires. Back payments PUA benefits may automatically be used to repay any overpayment of state benefits. If this does not occur on your claim, you may repay any overpayment by visiting:  
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If you have applied and have been approved for PUA benefits, this decision will **not** negatively affect your entitlement to PUA benefits.