

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TRISTA M WINTERS**  
Claimant

**APPEAL NO: 09A-UI-02755-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING & PROFESSIONAL  
SERVICES LLC**  
Employer

**OC: 12/21/08**

**Claimant: Respondent (1)**

Section 96.5-1-d – Voluntary Leaving/Illness or Injury  
871 IAC 24.26-6-b – Work-related Illness or Injury

**STATEMENT OF THE CASE:**

Aventure Staffing & Professional Services, L.L.C. (employer) appealed a representative's February 10, 2009 decision (reference 02) that concluded Trista M. Winters (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 17, 2009. The claimant participated in the hearing. Cyd Hall appeared on the employer's behalf. 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:**

The employer is a temporary employment firm. The claimant began taking assignments with the employer on April 21, 2008. Her most recent assignment began on January 26, 2009. She worked full time as an assembly worker at the employer's Spirit Lake, Iowa business client. Her last day on the assignment was January 27, 2009. After the claimant completed her shift on that date she contacted the employer's Spencer, Iowa office and informed the employer that she needed to quit the assignment but was interested in some other assignment because the dust at the business client's workplace was severely aggravating her allergies and causing her to suffer migraines. The claimant's doctor had previously advised her to avoid work places where there was excessive dust.

The employer did not question the claimant's claim of her diagnosis or her claim that there was dust in the business client's work place that had aggravated her condition. When the claimant advised the employer she would need to quit because of this, the employer did not offer to try to find the claimant somewhere else in the business client's facility that might have less dust and did not otherwise offer any other options to the claimant to try to enable her to stay at the

business client. The employer also had no other assignment which it could offer to the claimant at that time.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Leaving employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician with notice to the employer is recognized as grounds that are good cause for quitting. Iowa Code § 96.5-1-d. For the quit to be attributable to the employer, factors or circumstances directly connected with the employment must either cause or aggravated the claimant's condition so as to make it impossible for the employee to continue in employment; the claimant must present adequate health reasons to justify termination; must inform the employer of the work-related health problem, and must inform the employer that she intends to quit because of the condition. 871 IAC 24.26(6)b.

The claimant has satisfied these requirements. It is not required that the claimant affirmatively seek specific accommodations before quitting; the fact that the claimant advised the employer of her condition and her intent to quit and the employer did not offer accommodations to seek to get the claimant to stay is sufficient. The employer was unable or unwilling to provide reasonable accommodation in order to retain the claimant's employment. "Good cause attributable to the employer" does not require fault, negligence, wrongdoing or bad faith by the employer, but may be attributable to the employment itself. Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988); Raffety v. Iowa Employment Security Commission, 76 N.W.2d 787 (Iowa 1956). Benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The representative's February 10, 2009 decision (reference 02) is affirmed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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