

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LANDON D SEVERS**  
Claimant

**APPEAL NO. 18A-UI-07448-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PIPELINE CLEANERS INC**  
Employer

**OC: 06/17/18**  
**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 July 5, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 31, 2018. Claimant participated. Employer participated by Terry Van Aken and Peggy Mitchell.

**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 2, 2018. Claimant took off from work after that date to have surgery done on his neck for problems that claimant stated weren't work related.

Before claimant left for his surgery, he spoke with the company's president about his job status. As claimant didn't know whether he'd be able to do the heavy lifting that was a part of his current job, the president indicated that they'd be able to find some work for him.

Claimant had his surgery done and recuperated for a couple of months before being able to return to work. Claimant set his date for return to work on June 4, 2018. Towards that end, claimant's doctor released him to regular duty work on that date. Claimant went into work, and when employer saw that claimant had no restrictions, he asked that claimant return to his former job. Claimant knew that he could not do the heavy lifting his former job required, and he decided that he would quit his job altogether.

Employer tried to call claimant multiple times, leaving messages expressing that claimant would be able to do other jobs if he physically could not do his previous job. Claimant did not return any of the calls.

Claimant remained able and available for work at the time of his return.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) 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.

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 employer initially told claimant that he would go back to his old job when claimant gave employer a doctor's excuse detailing claimant was eligible for regular duty work. Any mixup that occurred at first could have been easily remedied as employer tried to explain to claimant throughout his recovery that they would get a position that worked for claimant. When claimant came back to work with the doctor's note that allowed him back to work with no restrictions – including weight restrictions – employer was reasonable to want to see if claimant would be able to do the job he'd done for nearly 5 years before putting claimant into a different position. Claimant's impatience with this, and unwillingness to return calls from employer trying to get claimant to return to work indicate that claimant did quit his job without good cause attributable to employer.

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**DECISION:**

The decision of the representative dated July 5, 2018, reference 01, 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

bab/rvs