

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**RACHID JADILI**  
Claimant

**APPEAL NO. 18A-UI-09858-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**1<sup>ST</sup> CLASS STAFFING LLC**  
Employer

**OC: 09/02/18**  
**Claimant: Appellant (2)**

Section 96.5-1-d - Voluntary Quit for Medical Reasons

**STATEMENT OF THE CASE:**

Rachid Jadili (claimant) appealed a representative's September 24, 2018, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits due to his separation from work with 1st Class Staffing, LLC (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 11, 2018. The claimant participated personally through Sherief Elias, Interpreter. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing. The claimant offered and Exhibit A was received into evidence. Exhibit D-1 was received into evidence.

**ISSUE:**

The issue is whether the claimant was discharged from employment.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment service. The claimant performed services from October 2017 through June 18, 2018. On June 18, 2018, the claimant was hit by a car while riding his bicycle. He was unconscious and transported by ambulance to the hospital. On June 19 or 20, 2018, the claimant notified the employer of his condition. On June 25, 2018, the claimant was released from the hospital. He took his doctor's release to return to work without restrictions to the employer. The employer had no work available for him.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer.

Iowa Code § 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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). A claimant is not disqualified for leaving employment if he or she (1) left employment by reason of illness, injury or pregnancy; (2) on the advice of a licensed and practicing physician; (3) and immediately notified the employer or the employer consented to the absence; (4) and when certified as recovered by a physician, the individual returned to the employer and offered services but the regular or comparable suitable work was not available. *Area Residential Care, Inc. v. Iowa Department of Job Service*, 323 N.W.2d 257 (Iowa 1982). A "recovery" under Iowa Code Section 96.5-1-d means a complete recovery without restriction. *Hedges v. Iowa Department of Job Service*, 368 N.W.2d 862 (Iowa App. 1985).

The claimant left work due to an injury under the advice of his physician. The employer consented to his leaving. The claimant has provided the employer with certification that he has recovered. In addition the claimant offered his services to the employer and the employer had no work available. The claimant met the requirements of the statute and, therefore, is eligible to receive unemployment insurance benefits.

#### **DECISION:**

The representative's September 24, 2018, decision (reference 01) is reversed. The claimant voluntarily quit work with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/scn