

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CAROL D RIDER**  
Claimant

**APPEAL NO. 08A-UI-08185-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HEARTLAND EMPLOYMENT SERVICES**  
Employer

**OC: 08/17/08 R: 03  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Carol D. Rider (claimant) appealed a representative's September 10, 2008 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Heartland Employment Services, L.L.C. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 29, 2008. The claimant participated in the hearing. Wendy Ager appeared on the employer's behalf. During the hearing, Claimant's Exhibit A was entered into evidence. 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 voluntary quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant started working for the employer on December 7, 2005. She worked full time as a certified nursing aide (CNA) at the employer's long-term care nursing facility on the third shift. Her last day of work was the shift that ended on the morning of July 25. She called in an absence due to back pain on July 27. She called in on July 28 indicating she was going to her doctor; she later brought in a note from that visit indicating that she could return to work after that date with light duty restrictions. On July 29 she was also absent due to back pain.

Given the light duty restrictions on the July 28 note, the employer informed the claimant that she needed to have a fitness for duty examination done by the employer's occupational healthcare provider. This was scheduled for the morning of July 30. The claimant did have the examination, and brought the results back to the employer later that morning. The report from the occupational healthcare provider was that the claimant had chronic lumbar pain, but that it was not work related, and that the claimant was physically able to perform the duties of her job. However, at the same time the claimant turned over this report to the employer, the claimant informed the employer that she was quitting effective immediately; on the written resignation she provided to the employer, she indicated that back pain and stress were her reasons for

quitting. There had not been any prior discussion by the claimant to the employer indicating she was having some medical issue she felt was attributable to the employer.

On September 12, without being reexamined by the doctor who had seen the claimant on July 28, the claimant obtained a substitute work release from the doctor's office which indicated she had been under the doctor's care for "medical reasons – work related back pain" but which listed no restrictions or recommendations as to work accommodations.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit, she 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 evidence showing adequate health reasons to justify her quitting. She provided only a conclusory retrospective statement to the effect that she was seen for "work related back pain," with no suggestion that it was necessary for the claimant to quit and that there were no accommodations that she would need in order to continue working. In contrast, the employer's medical evaluation was performed after the claimant was seen by her own doctor; that care provider indicated her condition was not work related and that she was able to return to work to perform her duties. She has not satisfied her burden to establish that the medical condition was work related. Further, the claimant did not inform the employer of the work-related health problem and inform the employer that she intended to quit unless the problem was corrected or reasonably accommodated. Accordingly, the separation is without good cause attributable to the employer and benefits must be denied.

**DECISION:**

The representative's September 10, 2008 decision (reference 01) is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. As of July 30, 2008, benefits are withheld until such time as the claimant has worked in and been paid wages

for insured work equal to ten times her weekly benefit amount, 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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