

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA L PETERS

Claimant

APPEAL NO. 07A-UI-04885-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JUSTIN A STAMER

MILL CREEK MACHINING

Employer

**OC: 04/15/07 R: 01
Claimant: Appellant (1)**

Section 96.5(1)d – Quit/Medical

STATEMENT OF THE CASE:

The claimant, Debra Peters, filed an appeal from a decision dated May 7, 2007, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on May 30, 2007. The claimant participated on her own behalf. The employer, Mill Creek Machining, participated by Owner Justin Stamer.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Debra Peters was employed by Mill Creek Machining from November 20, 2006 until January 8, 2007, as a full-time production employee.

The claimant left work around noon on January 8, 2007, to take her lunch break and did not return. She was in the early stages of pregnancy and having some complications such as cramping, and called her doctor for an appointment. At the appointment later that day the doctor recommended she not continue with her current job because of the lifting involved. A statement to that effect was left on the desk of Dan Dodge who did the hiring at Mill Creek Machining, but there is no evidence he ever received it.

The claimant never contacted the employer to discuss the possibility of light duty, nor did she return and request her job back when the doctor released her without restrictions approximately March 1, 2007.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1-d provides:

An individual shall be disqualified for benefits:

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.

The claimant did not provide a copy of the doctor's note which she states she gave to the employer, so the exact provisions and restrictions imposed by the doctor cannot be determined. But it is evident the claimant did not talk about the situation with the employer and therefore did not consent to the absence as required by the above Code section. In addition, she did not return to the employer to offer her services once she was released without restrictions. The claimant's resignation is without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of May 7, 2007, reference 01, is affirmed. Debra Peters is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs