

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LACRESIA J TAYLOR
Claimant

APPEAL NO. 07A-UI-03449-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PRN STAFFING INC
Employer

**OC: 03/04/07 R: 03
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Lacresia Taylor filed an appeal from a representative's decision dated March 30, 2007, reference 01, which denied benefits based on her separation from PRN Staffing, Inc. After due notice was issued, a hearing was held by telephone on April 19, 2007. Ms. Taylor participated personally and offered additional testimony from Sangria Washington. The employer participated by Kathleen Nicholson, Owner, and Shawna Yoder, Office Manager.

ISSUE:

At issue in this matter is whether Ms. Taylor was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Taylor was employed by PRN Staffing, Inc. from November 16, 2005 until October 16, 2006. She was initially a full-time certified nursing assistant assigned to work at various locations. Her work was usually scheduled in advance. During the first week of October, 2006, Ms. Taylor requested that she not be scheduled for more than two shifts each week.

Ms. Taylor was scheduled to work October 14 and 15 at Methwick. She called on October 15 to report that she would be absent. The employer called to determine why she was absent, but she would not give a reason. She was told the absence would be considered unexcused and she would, therefore, receive a warning. Ms. Taylor was asked to come in the following day to meet with the employer, which she did. She refused to sign the warning and advised the employer she was quitting. She did not give a reason for her decision to quit on October 16, 2006.

Ms. Taylor indicated she quit because of muscle spasms in her right calf. She was not advised by a doctor to leave the employment. She did not advise the employer that she had a medical problem that needed to be resolved. She did not tell the employer that she had medical restrictions that prevented her from performing her job. The employer intended to honor her

request that she not be scheduled for more than two shifts per week. Continued work would have been available if Ms. Taylor had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Taylor testified that she quit because of spasms in her right calf. However, she had not put the employer on notice that she was leaving for medical reasons. She was not advised by a doctor to leave the employment. She did not seek an accommodation with respect to the duties she performed. The administrative law judge appreciates that other employees were aware of the pain Ms. Taylor was experiencing. However, the problem was not brought to the attention of those who were in a position to make necessary changes. For the above reasons, it is concluded that the quit was not for good cause attributable to the employer.

Prior to October 16, Ms. Taylor intended to continue her employment, although at a reduced level. She advised the employer that she was quitting only after she was given a written warning for missing work on October 15. An individual who leaves employment after being reprimanded is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(28). Ms. Taylor has not overcome the presumption.

DECISION:

The representative's decision dated March 30, 2007, reference 01, is hereby affirmed. Ms. Taylor quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw