

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOANN JACKSON
Claimant

ADVANCE SERVICES INC
Employer

APPEAL NO. 14A-UI-11981-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/28/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 14, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 10, 2014. Claimant participated. Employer participated by Michael Payne.

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 November 2, 2014. Claimant began her employment on October 29, 2014.

Claimant worked in a warehouse. There was dust in the warehouse that was made worse by seed dust. Claimant knew or should have known this when hired and her position was explained. After working a couple of days for employer, claimant decided that the dust was too bad, and it affected her allergies. Claimant decided that she did not want to wear dust masks when offered by employer. Claimant made the decision the job was not appropriate for her considering her allergies, and terminated her employment on November 2, 2014.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5(1) 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.

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 her allergies were too great for her to continue working in such a dusty environment.

Claimant presented employer with no medical documentation showing her allergic problem prior to quitting, and did not allow employer to make a reasonable accommodation to address claimant's allergies. As such, claimant's voluntary quit is not considered to be with good cause attributable to employer.

DECISION:

The decision of the representative dated November 14, 2014, 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.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css