

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CATRINA L KING**  
Claimant

**APPEAL NO. 12A-UI-07258-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HORNE LLP**  
Employer

**OC: 04/22/12**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated June 15, 2012, reference 01, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on July 19, 2012. The claimant participated. The employer did not respond to the hearing notice and did not participate. The record consists of the testimony of Catrina King and Claimant's Exhibits A and B.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is an accounting firm. The claimant was initially hired through a temporary employment agency on July 7, 2011. She became a full-time employee on October 10, 2011. The claimant was an accounting technician. Her last day of work was April 19, 2012. The claimant quit her job on April 19, 2012.

The claimant went to see her physician after she began experiencing severe headaches at work. On April 16, 2012, she was diagnosed with carbon monoxide poisoning. Immediate arrangements were made to test the claimant's house. The test was negative. The claimant's physician then contacted the employer and alerted the employer to the danger of carbon monoxide. She told the employer that unless the problem was corrected, the claimant would have to quit.

The employer did not have the workplace tested. On April 19, 2012, the claimant's physician advised her to quit her job because her life was at risk. The claimant quit her job on April 19, 2012.

The workplace was not tested until two weeks after the claimant quit. Carbon monoxide was present in the building due to improper ventilation from a restaurant that was located in the building.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.26(2) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(2) The claimant left due to unsafe working conditions.

The evidence in this case established that the claimant quit her job upon advice of her physician. The claimant was suffering from carbon monoxide poisoning, which was occurring at the employer's business. The claimant's physician actually notified the employer of the problem and advised immediate testing and correction of the situation. The employer failed to do so and the claimant's physician told the claimant to quit due to the risk to her health. The claimant quit due to unsafe working conditions. This is considered good cause attributable to the employer. Benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The representative's decision dated June 15, 2012, reference 01, is reversed. Unemployment insurance benefits are allowed, provided the claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/kjw