

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENNIS L SABEL
Claimant

APPEAL NO. 13A-UI-10430-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 08/18/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 6, 2013, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on October 8, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Steve Swift participated in the hearing on behalf of the employer. Exhibit A was admitted into evidence at the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as an assistant manager from March 2009 to August 7, 2013. He developed foot problems that his doctor attributed to working long hours standing and walking on concrete surfaces. As a result of his condition, the claimant was off work on medical leave for about a month.

He returned to work in June 2013 with restrictions that he not work over 12 hours and with special tennis shoes. The employer accommodated his restrictions.

The claimant voluntarily quit employment effective August 7, 2013, because he was continuing to have problems with pain in his feet. The claimant never presented medical evidence to the employer that he had a work-related medical condition, any additional restrictions, or requested accommodation.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The unemployment insurance law and rules provide two ways a claimant who voluntarily quits employment for medical reasons can receive benefits.

The unemployment insurance rules provide that a claimant is qualified to receive benefits if compelled to leave employment due to a medical condition attributable to the employment. The rules require a claimant: (1) to present competent evidence that conditions at work caused or aggravated the medical condition and made it impossible for the claimant to continue in employment due to a serious health danger and (2) to inform the employer before quitting of the work-related medical condition and that the claimant intends to quit unless the problem is corrected or condition is reasonably accommodated. 871 IAC 24.26(6)b. The claimant never informed the employer that he had a work-related medical condition and never asked for accommodation to allow him to continue to work.

The unemployment insurance law provides that individual is qualified to receive benefits if he: (1) left employment because of illness, injury or pregnancy with the advice of a licensed and practicing physician, (2) notified the employer that he needed to be absent because of the illness or injury, and (3) offered to return to work for the employer when recovery was certified by a licensed and practicing physician, but his regular work or comparable suitable work was not available. Iowa Code § 96.5-1-d. The claimant does not qualify under Iowa Code § 96.5-1-d because he has not offered to return to work after recovering from his medical conditions.

The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

DECISION:

The unemployment insurance decision dated September 6, 2013, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs