

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIMBERLY K COVEY**  
Claimant

**APPEAL NO: 12A-UI-04044-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CNH AMERICA LLC**  
Employer

**OC: 03/11/12**  
**Claimant: Appellant (5)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's April 9, 2012 determination (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because she had been discharged for disqualifying reasons. The claimant participated in the hearing. Mike Edwards, a union representative, appeared on the claimant's behalf and represented her. Rachel Taber, a labor relations specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the employer discharge the claimant for reasons constituting work-connected misconduct or did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant stated working for the employer in May 2004. She worked full time as a material specialist.

The claimant was on a medical leave of absence in October 2011. She had a very stressful job that resulted in the claimant getting migraine headaches. The claimant bid to take another job that she thought would be less stressful. The claimant took a \$2 an hour reduction in wages to accept a less stressful job. The claimant liked her new supervisor, but she had problems with some of her co-workers.

The claimant worked as scheduled on February 21, 2012. The claimant had a migraine on February 22, 23 and 24. She notified her employer each of these days that she was unable to work. Even after the claimant successfully bid for another job, the claimant believed the stress of the new job resulted in her again experiencing migraine headaches. The claimant decided on February 27, she was not going to return to work because her health was more important than working for the employer.

Taber heard rumors that the claimant was in the hospital. The rumors were not correct. When the employer had not heard anything from the claimant by March 5, Taber sent the claimant a termination letter. Edwards, a union official, contacted Taber on March 7 and told her that the claimant had medical issues. A meeting was then scheduled on March 12 for the claimant, union officials and the employer to meet and discuss the claimant's employment.

Edwards understood the claimant had concerns about her health, but he strongly advised her not to quit. As a result, the claimant agreed to meet on March 12. The weekend of March 10-11, the claimant thought about the job and decided she would not go to the March 12 meeting. She did not contact anyone to let them she was not going to attend the March 12 meeting.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The evidence establishes the claimant decided as of February 27, 2012, that she was not returning to work. Even though the claimant did not inform the employer she had resigned, she did not contact the employer or return to work after February 24, 2012. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The claimant quit because the stress of the job adversely affected her health. While this is a compelling personal reason to quit, the claimant did not satisfy the requirements of 871 IAC 24.26(6)b. This regulation requires a claimant to present competent evidence showing that for health reasons a claimant must quit her employment. The regulation also requires an employee to inform the employer about her health-related problems and that she intends to quit if the employer does not correct the problem or make reasonable accommodations for her.

Even though union officials understood the claimant had health-related issues connected with stress of her job, the claimant did not meet the requirements of 871 IAC 24.26(6)b. Therefore, she is not qualified to receive benefits.

#### **DECISION:**

The representative's April 9, 2012 determination (reference 01) is modified, but the modification has no legal consequence. The claimant quit her employment before the employer discharged her. The claimant established personal reasons for quitting, but she did not establish that she quit for reasons that qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of March 11, 2012. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs