

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GREG OBRECHT**

Claimant

**APPEAL NO: 10A-UI-10993-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NATIONWIDE MUTUAL INSURANCE CO**

Employer

**OC: 06/06/10**

**Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Greg Obrecht (claimant) appealed an unemployment insurance decision dated July 29, 2010, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Nationwide Mutual Insurance Company (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 23, 2010. The claimant submitted a written statement in lieu of his participation. The employer participated through Jackie Misher, Human Resources Specialist and Employer Representative Tom Kuiper. Claimant's Exhibit A was admitted into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time multi-line sales agent from February 9, 2009 through June 6, 2010 when he voluntarily quit due to a preexisting health condition. He was on short-term disability from March 1, 2010 to May 19, 2010 when he was released to full-duty.

The claimant has suffered from Bell's Palsy since December 2006. It has interfered with his ability to work and he has had intermittent flare-ups that have caused slurring of speech and migraines. The claimant resigned his position on May 24, 2010 with an effective date of June 7, 2010.

## REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

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.

871 IAC 24.25(36) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(36) The claimant maintained that the claimant left due to an illness or injury which was caused or aggravated by the employment. The employer met its burden of proof in establishing that the illness or injury did not exist or was not caused or aggravated by the employment.

An individual who voluntarily leaves their employment due to an alleged work-related illness or injury must first give notice to the employer of the anticipated reasons for quitting in order to give the employer an opportunity to remedy the situation or offer an accommodation. Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993). In the case herein, the claimant contends his medical condition was aggravated by the employment. The evidence does not support that claim. The employer testified the claimant's physician returned him to work without restrictions in May 2010 after his short-term disability leave of absence.

The claimant's medical evidence, which was dated well after the separation, indicates stressful situations, when required to talk extensively, seemed to exacerbate the symptoms. However, the claimant's written statement proves that when he returned to work from his short-term disability, he was "doing nothing other than going through emails and catching up on training." He was not required to talk extensively but he still felt he had to pursue employment outside of a sale and call center. The employer never informed the employer that he needed an accommodation or would be forced to leave employment but simply took the step to leave. While the administrative law judge empathizes with the claimant's situation, his separation cannot be attributed to the employer.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

**DECISION:**

The unemployment insurance decision dated July 29, 2010, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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