

Service for DES Staffing Services, Inc. on September 13, 2005. Upon being offered the assignment on September 12, 2005, Mr. Wood told DES Staffing Services that he was not certain that he could handle the work. Nevertheless, he said that he would give the assignment a try. The work proved to be too strenuous for Mr. Wood. After the separation from employment he spoke with a physician. He is scheduled for double hip replacement surgery in January 2006.

REASONING AND CONCLUSIONS OF LAW:

The question for the administrative law judge is whether Mr. Wood's separation from employment was a disqualifying event. It was not.

Iowa Code section 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.

Under some circumstances, an individual may receive unemployment insurance benefits following resignation from employment because of a medical condition caused or aggravated by working conditions. Before benefits can be awarded, however, the individual must first tell the employer of the medical condition and give the employer a reasonable opportunity to make appropriate accommodations. See Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993).

The claimant's testimony that he told the staff at DES Staffing Services about his physical limitations and that he was taking the assignment conditionally is credible. The evidence establishes that before leaving the assignment on September 13 he had told on-site supervision that the work was too strenuous for him. The administrative law judge concludes that Mr. Wood has met the test set out in the Suluki decision. Thus, the separation from employment was not a disqualifying event.

Another issue was raised by the testimony. Having heard the testimony of the claimant and having observed him entering and leaving the hearing room, the administrative law judge concludes that he must remand this matter to the unemployment insurance services division to determine whether jobs exist in Mr. Wood's local labor market for which he has the requisite job skills and which meet his present medical restrictions.

DECISION:

The unemployment insurance decision dated October 3, 2005, reference 05, is reversed. The separation was not a disqualifying event. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. The issue of whether Mr. Wood meets the eligibility requirement of being able to work is remanded to the Unemployment Insurance Services Division.

dj/kjw