## BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor Des Moines, Iowa 50319

HEARING NUMBER: 16B-UI-07092
EMPLOYMENT APPEAL BOARD
EVIT LOT MENT ATTEAL BOARD DECISION

Employer

## ΝΟΤΙΟΕ

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-1

## DECISION

## UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Board cites in support of the decision rule 871 IAC 24.26(6)(b) which provides that in order to be eligible for benefits for quitting based on a work related health condition the claimant must "before quitting have informed the employer of the work-related health problem and inform the employer that the individual intends to quit unless the problem is corrected or the individual is reasonably accommodated." Thus even if we found that the Claimant quit over a work related condition – and we do <u>not</u> so find – still the Claimant would be denied benefits under this regulation.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman