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

| ANASTASIA R MORGAN | HEARING NUMBER: 16B-UI-07249 |
|---------------------|------------------------------|
| Claimant | : |
| and | EMPLOYMENT APPEAL BOARD |
| WELLS FARGO BANK NA | |

Employer

ΝΟΤΙCΕ

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, 96.3-7

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 Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law:

The Claimant was *not* discharged for misconduct. Rather, the Claimant voluntarily quit without good cause attributable to the Employer, as the Claimant did not put the Employer on notice that she would quit unless the Employer accommodated her medical condition. See, *Cobb v. Employment Appeal Board*, 506 N.W.2d 445 (Iowa 1993) wherein the Court established three elements that are required for a quit to be found with good cause attributable to the Employer:

- 1) Claimant must notify the employer of the work-related health condition;
- 2) Claimant must inform the employer the claimant will quit if reasonable accommodation not provided;
- 3) And Claimant must give the employer reasonable amount of time to provide reasonable accommodation.

If any or all of these elements are missing, the quit is *without* good cause.

Lastly, the Claimant has requested this matter be remanded for a new hearing. The Employment Appeal Board finds the applicant did not provide good cause to remand this matter. Therefore, the remand request is **DENIED**.

Kim D. Schmett

Ashley R. Koopmans

AMG/fnv

James M. Strohman