

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

REBECCA L ROSS
Claimant

WELLS FARGO BANK NA
Employer

APPEAL 17A-UI-08261-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/30/17
Claimant: Appellant (1)

Iowa Code § 96.5(1)d – Voluntary Quitting/Illness or Injury

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 11, 2017, (reference 01) unemployment insurance decision that denied benefits based upon a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on August 30, 2017. Claimant participated. Employer participated through branch manager Melanie Hart and was represented by Edward Wright.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on September 30, 2014. Claimant last worked as a full-time lead teller. Claimant was separated from employment on June 4, 2017, when she resigned.

On April 17, 2017, employer issued claimant a formal written warning for failing to properly balance her cash drawer in December 2016. Claimant's manager then began monitoring claimant and assisting to make sure her cash drawer was balanced. These events and other events in claimant's personal life caused claimant to experience anxiety. Claimant saw a medical provider who diagnosed her with an anxiety disorder. Claimant took two days off of work. When claimant returned, her manager asked her if there was a problem between the two of them and what was going on. This caused claimant further distress and she applied for short-term disability benefits with an insurance carrier based on her anxiety disorder and stopped appearing for work.

Claimant did not inform employer she had a medical condition that was caused or aggravated by the workplace and that she intended to resign if the problem was not corrected or the condition was not accommodated. Claimant did not request an accommodation, such as a leave of absence or a transfer.

Claimant's application for short-term disability benefits was denied by the insurance carrier based on the answers claimant's medical provider gave to questions posed by the carrier.

On June 4, 2017, claimant left branch manager Melanie Hart a voice message stating she would not be returning to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

In this case, claimant asserts she left employment due to a medical condition. A claimant who resigns for health reasons may be considered to have quit for good cause attributable to employer if certain criteria are met. Iowa Code § 96.5(1)(d).

When a claimant resigns because of a health condition related to employment, the claimant is considered to have quit with good cause attributable to the employer if the claimant presents competent evidence showing health reasons related to the work justify the resignation, and before resigning the claimant informed the employer of the health condition and that he or she intended to quit unless the problem was corrected or a reasonable accommodation was provided. Iowa Admin. Code r. 871-24.26(6)(b). "Reasonable accommodation" is "other comparable work which is not injurious to the claimant's health and for which the claimant must remain available." *Id.*

Here, the claimant has not established by competent medical evidence that a health condition related to work justified the resignation. Claimant did not present any medical records or notes from her medical provider establishing she resigned upon the provider's advice. In fact, the medical provider's answers to questions posed by the short-term disability insurance carrier caused claimant's claim for short-term disability benefits to be denied. Even if claimant was able to establish a work related health condition justified resignation, she failed to provide employer notice of the condition and the opportunity to correct the issue. Claimant did not request to be transferred to another location or to work under another supervisor. Claimant did not request extended medical leave in order to heal.

Likewise, claimant did not establish she is qualified to receive benefits due to a resignation based on a non-work related medical condition.

Iowa Code section 96.5(1)d provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Here again, claimant did not establish she resigned upon the advice of a medical provider. Even if she had, she did not notify the employer of the necessity for an absence due to the medical condition or return to the employer to offer her services after healing.

To the extent claimant contends she resigned due to an intolerable work environment, she has failed to establish the work environment would have been intolerable to a reasonable person. Being reprimanded and monitored by an employer would not be intolerable to the reasonable person. In fact, resigning because of being reprimanded is defined as a resignation without good cause attributable to the employer under Iowa Admin. Code r. 871-24.25(28).

Claimant has failed to establish she resigned for a good cause reason attributable to employer.

DECISION:

The August 11, 2017, (reference 01) decision is affirmed. Claimant's separation was without good cause attributable to the employer. Benefits are withheld until such time as claimant works in and has been paid wages equal to ten times her weekly benefit amount.

Christine A. Louis
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Decision Dated and Mailed

cal/scn