

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER M RASMUSSEN**  
Claimant

**APPEAL NO. 07A-UI-08505-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WILLIAMSBURG MANUFACTURING**  
Employer

**OC: 08/05/07 R: 03**  
**Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Jennifer Rasmussen filed an appeal from a representative's decision dated August 29, 2007, reference 01, which denied benefits based on her separation from Williamsburg Manufacturing. After due notice was issued, a hearing was held by telephone on September 19, 2007. Ms. Rasmussen participated personally. The employer participated by Lisa Paterno, Human Resources Coordinator.

**ISSUE:**

At issue in this matter is whether Ms. Rasmussen was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Rasmussen began working for Williamsburg Manufacturing on May 2, 2007 as a full-time production worker. Her last day at work was May 17. Ms. Rasmussen was experiencing medical problems at the time and did not know how much time she might need off for medical appointments and surgery, if necessary. Because she had only recently started the employment, she did not have medical or other accumulated leave she could use. She was not eligible to take a leave of absence.

Ms. Rasmussen spoke with the human resources department concerning her situation. She was told that any time she took off would fall under the employer's attendance policy. Ms. Rasmussen did not want to risk being discharged and possibly ineligible for rehire and, therefore, voluntarily quit the employment. She was not advised by a doctor to leave the employment. The employer was willing to provide her with light-duty work based on her doctor's request. Continued work would have been available if she had not quit. In September, Ms. Rasmussen contacted Manpower Temporary Services to see if she could return to work for Williamsburg Manufacturing but there were no vacancies.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Rasmussen quit because she believed she would need a substantial amount of time from work to deal with medical issues. She quit rather than risk eventual discharge. At the time she quit, she was not in danger of losing her job. It was her choice to quit rather than wait to see how her condition might effect her attendance and continued employment. Her doctor did not advise her to quit. The employer even had light-duty work available for Ms. Rasmussen as recommended by her doctor. The evidence of record does not establish any cause attributable to the employer for the quit. Accordingly, benefits are denied.

The administrative law judge concludes that Iowa Code section 96.5(1)d is not applicable to the facts of this case. When Ms. Rasmussen left the employment, her medical situation was still up in the air. No decisions had been made as to if or when she might need surgery. She did not know how many appointments she might need before her condition was resolved. She was not told by a doctor to leave on May 17. At the time she left, she was only speculating as to future events. The administrative law judge believes section 96.5(1)d is more applicable to those situations where a doctor has already determined the need to be off work for a specified reason.

Because Ms. Rasmussen voluntarily severed her relationship with Williamsburg Manufacturing for no good cause attributable to the employer, she is not entitled to job insurance benefits.

**DECISION:**

The representative's decision dated August 29, 2007, reference 01, is hereby affirmed. Ms. Rasmussen quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css