

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CHERYL NORTHNESS**  
Claimant

**BEACON OF LIFE**  
Employer

**APPEAL 20A-UI-12367-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/31/20**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On October 7, 2020, the claimant filed an appeal from the September 28, 2020, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 29, 2020. Claimant participated and was represented by attorney Peter Gierut. Employer participated through executive director Melissa Vine. Claimant's Exhibit A was received.

**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 October 16, 2019. Claimant last worked as a full-time overnight residential assistant. Claimant was separated from employment on May 8, 2020, when she resigned.

Employer is a residential home for women. Claimant was hired to work from midnight until 8:00 a.m.

On February 4, 2020, claimant saw her doctor for a physical. Claimant's doctor remarked that her blood pressure was extremely high and attributed it to her night shift work. Claimant had not previously had issues with her blood pressure. Claimant's doctor recommended that she seek day shift work instead, and warned her that she had six months to get her blood pressure back under control.

Claimant informed her employer of the issue right away. There were no day shifts available. Employer changed claimant's schedule to Monday through Friday, but her blood pressure issues remained.

On April 21, 2020, claimant notified employer she was going to have to resign over the issue. Employer did not offer claimant a day shift at that time.

Claimant's last day of work was May 8, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

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.

Iowa Admin. Code r. 871-24.26(6)b provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(6) Separation because of illness, injury, or pregnancy.

b. Employment related separation. The claimant was compelled to leave employment because of an illness, injury, or allergy condition that was attributable to the employment. Factors and circumstances directly connected with the employment which caused or aggravated the illness, injury, allergy, or disease to the employee which made it impossible for the employee to continue in employment because of serious danger to the employee's health may be held to be an involuntary termination of employment and constitute good cause attributable to the employer. The claimant will be eligible for benefits if compelled to leave employment as a result of an injury suffered on the job.

In order to be eligible under this paragraph "b" an individual must present competent evidence showing adequate health reasons to justify termination; 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. Reasonable accommodation includes other comparable work which is not injurious to the claimant's health and for which the claimant must remain available.

In this case, claimant presented competent evidence that her working conditions aggravated or caused high blood pressure. Claimant informed employer she would need to resign if the condition did not improve. Employer was unable to or chose not to assign claimant to the day shift, which was a reasonable accommodation and would have improved her condition. Claimant has established she resigned for a good cause reason attributable to employer.

**DECISION:**

The September 28, 2020, (reference 02) unemployment insurance decision is reversed. Claimant resigned with good cause attributable to employer. Benefits are allowed, provided claimant is otherwise eligible.



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Christine A. Louis  
Administrative Law Judge  
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January 19, 2021  
Decision Dated and Mailed

cal/scn