

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

KELLY M HICKERSON  
1717 CURTIS AVE  
CHARITON IA 50049

CARE INITIATIVES  
c/o JOHNSON & ASSOCIATES  
PO BOX 6007  
OMAHA NE 68106-6007

Appeal Number: 04A-UI-11792-AT  
OC: 09/19/04 R: 03  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Kelly M. Hickerson filed a timely appeal from an unemployment insurance decision dated October 21, 2004, reference 01, which disqualified her for benefits. After due notice was issued, a telephone hearing was held on November 23, 2004 with Ms. Hickerson participating. Director of Nursing Carol Sue Forst and Administrator Mary Greeley testified for the employer, Care Initiatives, which was represented by Roxanne Bekaert of Johnson & Associates. Exhibits 1 and A were admitted into evidence.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Kelly M. Hickerson was employed by Care Initiatives as a part-time certified nursing assistant and certified medical aid from March 25, 2002 until she resigned September 19, 2004. Ms. Hickerson suffers from a condition known as dishydrosis eczema. As a result of this condition she is allergic to exposure to heat, especially in the form of hot water, on her hands. This condition conflicted with Ms. Hickerson performing her duties. The employer attempted to accommodate Ms. Hickerson's condition but was unable to do so. Ms. Hickerson put the employer on notice that she would need to resign if the accommodation, special gloves, was unsuccessful. She attempted using the gloves before resigning.

#### REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Hickerson's separation from employment was a disqualifying event. It was not.

Iowa Code Section 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

An individual who resigns because of a medical condition caused or aggravated by working conditions may receive unemployment insurance benefits. See Raffety v. Iowa Employment Security Commission, 76 N.W.2d 787 (Iowa 1956) and Shontz v. Iowa Employment Security Commission, 248 N.W.2d 88 (Iowa 1976). The evidence in this record persuades the administrative law judge that Ms. Hickerson's job duties aggravated the dishydrosis eczema. The evidence also persuades the administrative law judge that Ms. Hickerson put the employer on notice that she would resign if the attempted accommodation was unsuccessful. She has met the requirement established in Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993). Benefits are allowed.

#### DECISION:

The unemployment insurance decision dated October 21, 2004, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

kjf/kjf