

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VERONICA L FRANKLIN**  
Claimant

**APPEAL NO. 09A-UI-08289-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REMEDY INTELLIGENT STAFFING INC**  
Employer

**Original Claim: 04/19/09  
Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Veronica Franklin, filed an appeal from a decision dated June 4, 2009, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on June 24, 2009. The claimant participated on her own behalf. The employer, Remedy Intelligent Staffing, participated by Staffing Consultant Sadie Garland.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Veronica Franklin was employed by Remedy Intelligent Staffing from July 28, 2008 until February 3, 2009. During this time, she had one assignment at General Mills. Ms. Franklin missed work on February 2, 2009, and the next day provided two notes to the employer, one excusing her from work for the previous day and another stating she could not work due to back pain and releasing her to return to work on February 3, 2009, but only with “mild to moderate” lifting. No doctor has provided any specific weight restrictions on her nor released her to return to work without restrictions.

Ms. Franklin spoke with Staffing Consultant Jill Smith about returning to work at General Mills, but the employer could not return her to work until such time as she had been fully released by a doctor. This has not happened as of the date of the hearing, nor have any definite weight restrictions been specified. Ms. Franklin has never asked for another assignment from Remedy that would not entail lifting.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The claimant is considered a voluntary quit by operation of law by not requesting another assignment from the employer after she was unable to continue at General Mills. At no time did she either provide a full release to return to work, a statement outlining her specific weight restrictions, or a request to be given another assignment that did not require lifting.

**DECISION:**

The representative's decision of June 4, 2009, reference 02, is affirmed. Veronica Franklin is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw