

**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**

**JOYCE M CLARK**

**NORTH CENTRAL SHELTERED  
WORKSHOP  
DBA IOWA CENTRAL INDUSTRIES  
127 AVE 'M'  
FORT DODGE IA 50501**

**Appeal Number: 06A-UI-06269-HT  
OC: 05/14/06 R: 01  
Claimant: Appellant (1)**

**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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(1)d – Quit/Medical

STATEMENT OF THE CASE:

The claimant, Joyce Clark, filed an appeal from a decision dated June 6, 2006, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on July 10, 2006. The claimant participated on her own behalf. The employer, Iowa Central Industries (ICI), participated by Residential Director Christy Miller and Executive Director Tom Eckman.

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: Joyce Clark was employed by ICI from January 23,

2003 until November 30, 2006. She was a full-time program leader in the community based services area.

On November 11, 2006, the claimant notified Residential Director Christy Miller she would be "retiring," indicating she wanted to "travel." Although Ms. Clark had discussed her health problems with Ms. Miller, there does not appear to have been any specific mention of quitting for medical reasons at the time of the verbal resignation on November 11, or in the written resignation and two-week notice tendered on November 14, 2006.

The claimant had several health problems including Conn's disease, none of which were caused by her employment. Her doctors had advised her in February and September 2005 she should quit and she took their advice in November 2005. She was led to believe at first she would be permanently disabled but was eventually released to return to work without restrictions. When she was released she did not return to ICI and offer her services.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant quit work for reasons which would disqualify her from receiving unemployment benefits.

Iowa Code section 96.5-1-d 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. 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.

The claimant quit upon the recommendation of her physicians although she did not express this as the reason for her resignation to the employer. As her medical conditions were not work related this resignation is without good cause attributable to the employer. Although she has been released to return to work without restrictions by her doctors, Ms. Clark has not returned to ICI to offer her services. She has therefore not met the criteria for requalification under the provisions of the above Code section and is disqualified from receiving benefits.

#### DECISION:

The representative's decision of June 6, 2006, reference 01, is affirmed. Joyce Clark is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

bgh/pjs