FILED
JAN 26 1983
CLERK SUPREME COURT

00239

**IN THE COURT OF APPEALS OF IOWA**

| | | |
|---|---|---|
| **MARY LOU TAYLOR,** | ) | |
| Petitioner-Appellant, | ) | Filed January 26, 1983 |
| vs. | ) | 2-463 / 68453 |
| **IOWA DEPARTMENT OF JOB SERVICE, TODD'S INC.,** | ) | |
| Respondents-Appellees. | ) | |

Appeal from Polk District Court, Anthony M. Critelli, Judge.

Petitioner appeals from the district court decision on judicial review affirming respondent-agency's denial of unemployment benefits. AFFIRMED.

Robin L. Goodman, Des Moines, for petitioner-appellant.

Walter F. Maley, Blair H. Dewey, and Edmund Schlak, Jr., Des Moines, for respondent-appellee Iowa Department of Job Service.

Considered en banc.

**PER CURIAM**

Petitioner appeals from the district court decision on judicial review affirming respondent-agency's denial of unemployment benefits. She asserts that full recovery from an injury is not required before a claimant may fall within the exception under Iowa Code section 96.5(1)(d) to the general rule that a voluntary quit constitutes reason for disqualification from receipt of unemployment benefits. The scope of our review is limited. See Iowa Code sections 17A.19 and 17A.20. We affirm the district court.

No factual dispute is presented. Petitioner, whose employment required her to lift materials weighing up to 100 pounds, left work after experiencing chest and elbow pains. Her doctor certified that she could return to work with a 20-pound lifting limitation, but no such work was available from her employer. Under such circumstances, she had not recovered from her injury to the extent necessary to bring her within the exception under Iowa Code section 96.5(1)(d) to the general rule that a voluntary quit due to an injury constitutes grounds for disqualifcation from receipt of unemployment benefits when the injury has not been shown to be attributable to the employer. Shontz v. Iowa Employment Security Commission, 248 N.W.2d 88, 91 (Iowa 1976).

AFFIRMED.