

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JONATHAN D SAVAGE
Claimant

LOWE'S HOME CENTERS LLC
Employer

APPEAL NO. 19R-UI-06486-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/10/19
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 24, 2019, reference 02, which held claimant ineligible for unemployment insurance benefits. This matter was previously dismissed, and appealed to the Employment Appeals Board who remanded the hearing to the Appeals Bureau. After due notice, a hearing was scheduled for and held on September 9, 2019. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: As claimant was the only participant in the hearing, all findings of fact are derived from claimant's testimony. Claimant last worked for employer on or around May 1, 2019. Claimant voluntarily quit his job because he believed the work that he was doing and the chemicals he was around were causing him illness and he could not get responses to his many requests to be moved into a different area of the store.

Claimant was hired to be a part-time clerk for employer in early 2019. Claimant was placed in the home and garden area.

Claimant stated that he was surprised that he was around lawn chemicals as he'd never been in a Lowe's prior to his hire. He not only worked around chemicals, but also was asked to lift and move heavy product. Claimant stated that as a 65-year-old man, and as such, he became ill and sore through the work he was required to do. Claimant often called in sick and followed company procedures to do so.

By the end of April, employer had removed their human resources officer. Claimant had no one other than his manager to speak with about a transfer to another area of the store. Claimant's manager did not want him to transfer and did nothing with claimant's requests. Claimant did not provide employer with medical documentation to support his request to transfer.

Claimant ended up quitting by being a no-call/no-show for work for three consecutive days.

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer would not move claimant to a different area of the store as he requested.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In a voluntary quit claimant holds the burden of proof to show that his quit was as a result of some action or inaction on the part of employer. In this matter, claimant's medical concerns were not supported by any documentation. Employer was not obligated to move claimant from one area of the store to another just for claimant's convenience. Whereas claimant argued that employer did not request documentation to support claimant's request to transfer areas, claimant could have provided medical documentation to employer. This would then have shifted the burden to employer to explain why, in the face of documentation, that they did not transfer claimant. As claimant did not provide the documentation, claimant did not show that his quit was with good cause attributable to employer.

DECISION:

The decision of the representative dated May 24, 2019, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn