

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMY A REINERT
Claimant

APPEAL NO: 07A-UI-09939-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC
Employer

OC: 06/17/07 R: 01
Claimant: Respondent (2)

Section 96.5-1 – Voluntary Quit
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

Stream International, Inc. (employer) appealed a representative's October 19, 2007 decision (reference 01) that concluded Amy A. Reinert (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was not subject to charge because the claimant voluntarily quit a part-time job and she had wages credits from other employers that qualified her to receive benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 13, 2007. The claimant participated in the hearing. Debbie Nelson, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

Has the claimant been overpaid any unemployment insurance benefits?

FINDINGS OF FACT:

The claimant applied to work as a technical support employee. The employer hired her to work full time. The claimant accepted the job and began her three-week training on September 24, 2007.

The claimant has medical problems that prevent her from walking long distances or from walking up or down stairs. On September 24, the claimant parked in an employee parking lot that required her to walk quite a bit to get to a training room. Part of the training consists of touring the employer's facility, which consists of several buildings. On September 24, the claimant walked up and down a number of stairs, and she walked more than she usually walked. The claimant told the trainer about the problems she had with stairs.

The trainer contacted Nelson and told her about the problems the claimant had with stairs. The employer decided the claimant would have access to elevators so she would not have to use any stairs. The employer also planned for the claimant to have a close parking space that was much closer to her work station.

On September 25, the claimant could not walk as the result of all the walking she had done the day before. The claimant told the employer she would have to quit. Since Nelson already knew the claimant could not comfortably handle stairs, she told the claimant how the employer would accommodate her. Although the claimant did not intend to return to work, she agreed that with the accommodations she would continue working for the employer. The claimant decided on September 24 that she did not have the necessary skills to do her job. The claimant also concluded that the work environment was not cheerful enough for her to work. The claimant did not return to work after September 24, 2007.

The claimant did not know the employer could have assigned her to a training room that was closer to the building's entrance. After the claimant completed her three-week training, her job did not require her to walk.

The claimant reopened her claim for benefits the week of September 23, 2007. She filed claims for the weeks ending September 29 through October 27, 2007. The claimant received a total of \$1,446.10 in benefits for these weeks.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. The claimant voluntarily quit her employment. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code section 96.6-2.

The law presumes a claimant is not qualified to receive benefits when she quits because of dissatisfaction with the work environment or because she does not believe her job performance meets the employer's standards. 871 IAC 24.25(21) & (33). The law also presumes a claimant voluntarily quits employment for reasons that qualify her if she quit because continued employment would cause serious danger to her health. 871 IAC 24.26(6)(b).

The claimant quit for several reasons. Two of the reasons, quitting because the claimant concluded the work atmosphere was not friendly and because she did not believe she had the necessary skills for the job, do not qualify her to receive unemployment insurance benefits. The claimant's primary reason for quitting was because she could not walk the distance from the parking lot to the training center or walk up and down stairs without causing a great deal of pain in her legs. The employer, however, planned to make accommodations so the claimant could use elevators instead of walking up and down stairs and planned to assign the claimant a space in the parking lot that was very close to the building's entrance. Even though the employer would make accommodations so the claimant would not have to walk very far, the claimant still quit. The claimant undoubtedly experienced pain, but she did not establish an adequate health reason to quit for unemployment insurance purposes.

The claimant had compelling personal reasons for quitting. She did not, however, establish that she quit for reasons that qualify her to receive unemployment insurance benefits. As of September 23, 2007, the claimant is not qualified to receive unemployment insurance benefits.

If an individual receives benefits she is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code section 96.3-7. The claimant is not legally entitled to receive benefits for the weeks ending September 29 through October 27, 2007. She has been overpaid \$1,446.10 in benefits she received for these weeks.

DECISION:

The representative's October 19, 2007 decision (reference 01) is reversed. The claimant voluntarily quit a full-time job for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of September 23, 2007. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The claimant has been overpaid and must repay \$1,446.10 in benefits for the weeks ending September 29 through October 27, 2007.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs