

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MORGAN A OHL
Claimant

WALMART INC
Employer

APPEAL 21A-UI-19751-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 07/04/21
Claimant: Appellant (1)**

Iowa Code § 96.5(1) - Voluntary Quit
Iowa Code § 96.5(2)a - Discharge for misconduct
Iowa Admin. Code r. 871-24.25(37) - Resignation Accepted

STATEMENT OF THE CASE:

September 6, 2021, claimant, Morgan Ohl, filed an appeal from the August 30, 2021 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit working on July 6, 2021, for personal reasons. The parties were properly notified of the hearing. A telephonic hearing was held on October 28, 2021. The claimant participated, with her party representative, Donna Ohl. The employer, Walmart, Inc. participated through Amber Wiskus. Judicial notice was taken of the administrative file.

ISSUE:

Was the separation a layoff, discharge for misconduct or a voluntary quit without good cause?

FINDINGS OF FACT:

Having heard the testimony and reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full time personal shopper, with a set schedule, from May 16, 2021, until her last day worked, July 6, 2021, when she resigned due to her anxiety and other health issues she was addressing. Claimant's resignation was orally given and orally accepted by the employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation was without good cause attributable to the employer. Benefits are withheld.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25(37) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship

of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer: ...

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

Claimant asserted she was laid off and told to reapply for work in six months. If laid off, one does not need to reapply. The employer told her that she could reapply for work in six months because she resigned. Claimant decided to end her employment and resigned to address her anxiety and other health matters. When asked if she resigned, claimant could not recall. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. As such, benefits must be denied.

DECISION:

The August 30, 2021 (reference 01) unemployment insurance decision denying benefits is **AFFIRMED**. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time as they have worked in and been paid wages for insured work equal to ten times their weekly benefit amount, provided they are otherwise eligible.

A handwritten signature in blue ink, appearing to read 'D. Hamilton', is written over a horizontal line.

Darrin T. Hamilton
Administrative Law Judge

November 15, 2021
Decision Dated and Mailed

dh/ol