

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MICHELLE L OCKER

Claimant

WAL-MART STORES INC

Employer

APPEAL NO. 15A-UI-00402-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/07/14

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 January 8, 2015, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 3, 2015. Claimant participated, and had witness Wade Ocker. Employer participated by human resources officer Cheryl Kirkland, and assistant manager Chad Byers. Claimant's Exhibits A through B were admitted into evidence.

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: Claimant last worked for employer on December 8, 2014. Claimant ended her employment on December 15, 2014.

Claimant has advancing multiple sclerosis. It affects her balance and ability to stand and move freely. Claimant forwarded doctor's notes to employer, and employer complied with restrictions imposed. Claimant's illness became worse to the extent that claimant was unable to work even the reduced hours that she had requested and had been granted. Claimant then quit her employment.

REASONING AND CONCLUSIONS OF LAW:

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.

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 of her advancing multiple sclerosis. Employer tried to comply with the hours and restrictions imposed on claimant's employment. Employer offered other positions to claimant. Claimant declined these positions as they would create a reduction in wages.

DECISION:

The decision of the representative dated January 8, 2015, 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/pjs