

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFERY A CROSS
Claimant

APPEAL NO. 10A-UI-04978-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TARGET CORPORATION
Employer

OC: 02/14/10
Claimant: Respondent (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Target Corporation filed an appeal from a representative's decision dated March 24, 2010, reference 02, which held that no disqualification would be imposed regarding Jeffery Cross' separation from employment. After due notice was issued, a hearing was held by telephone on May 13, 2010. Mr. Cross participated personally. The employer participated by Amy Mosley, Human Resources Business Partner. Exhibit One was admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Mr. Cross was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Cross began working for Target Corporation on April 21, 2009. He worked full time in the warehouse. He is left-handed and, as a result of his work, began experiencing pain in his left elbow and hand. He saw the company nurse, who showed him exercises he could do to alleviate the problem. He was placed in a different area of the warehouse for approximately two days but continued to experience the pain. Mr. Cross saw the company nurse again and was referred to physical therapy. He began going to physical therapy three times a week before he left the employment.

When the pain in his hand and elbow persisted, Mr. Cross went to the human resources department and requested a transfer to a different job. He was not allowed to transfer because he was still in his 90-day probationary period. Therefore, he quit the employment on June 5, 2009.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Cross left his employment with Target Corporation because of a medical

condition that was caused by the employment. He saw the company nurse on two occasions but could obtain no relief from the pain he experienced in his hand and elbow. Since the nurse referred him to physical therapy, it must be concluded that the nurse was able to objectively determine that there was, in fact, a physical ailment.

The administrative law judge is satisfied that Mr. Cross' work caused pain in his elbow and hand and that continued work in the same job would have aggravated the condition. Since he was not successful in obtaining a placement in different work within Target Corporation, it is concluded that his separation was for good cause attributable to the employer. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated March 24, 2010, reference 02, is hereby affirmed as to result. Mr. Cross quit his employment with Target Corporation for good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs