

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIELLE R HANTEN
Claimant

APPEAL NO: 14A-UI-00501-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 12/22/13
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Danielle R. Hanten (claimant) appealed a representative's January 10, 2014 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Wal-mart Stores, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 5, 2014. The claimant participated in the hearing. A review of the Appeals Section's conference call system indicates that the employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Reversed. Benefits allowed.

FINDINGS OF FACT:

The claimant started working for the employer on or about September 9, 2007. She worked full time as fresh manager in the employer's Dubuque, Iowa store. Her last day of work was December 20, 2013. She voluntarily quit work as of that date.

The claimant had been on a medical leave of absence from about September 30 through December 9 due to stress and anxiety caused by work conditions, including the employer's expectation that she work up to 16 hours per day. She returned from her leave on December 10, and was immediately given a warning that she had 30 days to improve or be fired; she was advised that upper management already did want her fired. On December 15 the claimant sent emails to the employer's management outlining proposals for things she thought she could do to address the employer's performance concerns, but she got no response, even

after following up with the general manager. She further advised the general manager that she was starting to suffer the symptoms of a relapse to her prior condition. He did not provide any further feedback to the claimant.

On December 20 the claimant again spoke with the general manager and indicated that it appeared to her that the employer was going to discharge her regardless of what she did. He did not contradict this statement. The claimant indicated that she could not work under those conditions, and turned in her keys and left.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Intolerable or detrimental working conditions are good cause for quitting attributable to the employer. 871 IAC 24.26(4). The claimant has demonstrated that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. EAB*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). Benefits are allowed.

DECISION:

The representative's January 10, 2014 decision (reference 01) is reversed. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs