

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LISA M FOREST
Claimant

APEC LIFE SCIENCE TEMPO
Employer

APPEAL 17A-UI-13323-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/04/17
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 21, 2017, (reference 05) unemployment insurance decision that denied benefits based upon a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on January 18, 2018. Claimant participated. Employer did not register for the hearing and did not participate. Claimant's Exhibit A was received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on November 13, 2017. Claimant last worked as a full-time production worker. Claimant was separated from employment on November 20, 2017, when she resigned.

Claimant applied for the position in question based on a job description she found on Indeed.com. The job description stated that claimant would be sewing, cutting, and clipping. The job description does not state that employees would be required to perform heavy lifting on a frequent to constant basis. Claimant applied for the position as she has experience in sewing in a production environment. Claimant is not physically able to perform heavy lifting on a regular basis and was never informed during the interview process that she would be required to do so. Therefore, she accepted the offer of employment.

When claimant began in the position, she was not assigned to do any sewing. Instead, she was required to perform heavy lifting up to 35 to 45 pounds on a frequent to constant basis. Employer had no other open positions for claimant that she was qualified to perform.

On November 20, 2017, claimant resigned.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. 871-24.26(23) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(23) The claimant left work because the type of work was misrepresented to such claimant at the time of acceptance of the work assignment.

In this case, claimant has established the type of work was misrepresented to her at the time she accepted the position. Claimant has established a good cause reason for resignation that is attributable to employer.

DECISION:

The December 21, 2017, (reference 05) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible and the benefits withheld shall be paid.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/scn