

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**TAIRI J SACKFIELD**  
Claimant

**WALMART INC**  
Employer

**APPEAL NO. 21A-UI-16955-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/09/21  
Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant, Tairi Sackfield, filed a timely appeal from the July 22, 2021, reference 01, decision that disqualified the claimant for benefits and that held the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on May 1, 2021 without good cause attributable to the employer. After due notice was issued, a hearing was held on September 22, 2021. The claimant participated. Erica Byard represented the employer. Exhibits A and B were received into evidence.

**ISSUE:**

Whether the claimant's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed by Walmart, Inc. as a full-time Home Meal Solutions (HMS) Associate at the Sam's Club in Cedar Rapids. The claimant began the employment in November 2019 and last performed work for the employer on April 24, 2021. The claimant was responsible for cooking a large quantity of rotisserie chickens. Meat Team Lead Jamel Clark and Assistant Manager Kyle Simon were the claimant's supervisors. The claimant's work hours during the last two months of the employment were 12:30 p.m. to 9:00 p.m. The claimant voluntarily quit the employment by not returning to the employment and not making additional contact with the employer after she left work early on April 24, 2021.

The claimant asserts that Mr. Clark directed harassing utterances and actions at the claimant. The claimant asserts she left the employment after concluding the employer was not going to do anything about Mr. Clark's conduct, despite repeated complaints from the claimant.

The claimant cites an incident on the last day she worked as the trigger for her decision not to return to the employment. When the claimant arrived for work that day, she saw a five-gallon bucket of grease spilled under the ovens. The claimant almost slipped on the spilled grease. The claimant saw Mr. Clark and a HMS coworker standing nearby. The claimant asked whether there was something wrong with the ovens. Mr. Clark asserted the claimant had left the area in

that condition the night before. The claimant denied she had left the mess. The claimant got the coworker who had closed with her the night before. The coworker attested that the claimant had cleaned the area the previous night. Mr. Clark replied that the area was in its present state when he arrived that morning. The claimant asserts Mr. Clark stated that if it happened again and if the claimant kept "screwing up," she would be fired. A reasonable person would conclude Mr. Clark did not have authority to discharge the claimant from the employment. The weight of the evidence indicates the claimant was aware Mr. Clark did not have authority to end her employment.

The claimant perceived Mr. Clark's comments to be a continuation of what she perceived to be harassment and sabotage. The claimant went to the office to speak with Assistant Club Manager Erica Byard. The claimant told Ms. Byard that she wanted to write a complaint about Mr. Clark. The claimant told Ms. Byard that she was sick of coming to work and ending up crying. Ms. Byard told the claimant that she needed the claimant to provide a handwritten complaint. The claimant wrote a complaint and provided the complaint to Ms. Byard.

The claimant ended up being in or near the office 40 minutes to an hour. During most of the time, the claimant was waiting for Ms. Byard. During Ms. Byard's contact with the claimant, Ms. Byard believed she smelled alcohol on the claimant's breath. Ms. Byard was concerned the claimant might be under the influence of alcohol. While the claimant waited, Ms. Byard summoned another assistant manager, Robert Price, to join her. Ms. Byard perceived the claimant to be upset, to be mumbling and ranting, and to be unsteady on her feet. Ms. Byard and Mr. Price met with the claimant in a small office. During that time, Ms. Byard's suspicion that the claimant was under the influence of alcohol increased. Ms. Byard was inexperienced in handling such matters and was trying to learn on the spot. At one point, Ms. Byard called the employer's "reasonable suspicion hotline" outside of the claimant's presence.

After waiting for 40 to 60 minutes, the claimant decided not to wait any longer. The claimant clocked out and went to the parking lot to leave in her car.

As the claimant was beginning to operate her vehicle, Ms. Byard and Mr. Price ran out of the store. Ms. Byard ran in front of the claimant's car and then approached the car window. Ms. Byard told the claimant that she needed the claimant to turn her car off and to return to the building. The claimant parked her car and exited the car to speak to Ms. Byard. The claimant was still upset with the situation related to Mr. Clark. The claimant said the employer needed to deal with that situation and that it had been occurring over a long period. Ms. Byard then said that the claimant needed to come back into the store for her own safety. The claimant asked in what way she was unsafe. At that point, Ms. Byard told the claimant she had smelled an odor of alcohol coming from the claimant during her contact with the claimant. The claimant then asserted the situation was getting crazier by the minute. The claimant returned to her car and drove away.

The claimant did not return for additional shifts and did not make further contact with the employer. After the claimant was absent more than three shifts without notice to the employer, the employer deemed the claimant to have voluntarily quit the employment.

The claimant had filed an earlier complaint about Mr. Clark in November or December 2020. The claimant had sent her complaint to the employer's corporate office and had provided Ms. Byard with a copy of the complaint. The employer concedes vague familiarity with a prior complaint about Mr. Clark yelling at the claimant in a walk-in freezer. Ms. Byard asserts that any complaint would be investigated and that Ms. Byard would have reached out to the manager.

The claimant alleges multiple instances wherein Mr. Clark mistreated, harassed, and/or actively sabotaged her work. These included an instance in June 2020, wherein Mr. Clark accused the claimant of taking an hour and 20-minute break and where Mr. Clark accused her of not cooking additional chickens when the claimant had 96 chickens roasting in the rotisserie oven. The claimant asserts Mr. Clark pounded his fist on a table and poked his finger “within an inch” of her face. The claimant asserts she enlisted a coworker to stand by as a witness to Mr. Clark’s aggressive behavior.

The claimant cites another incident as an alleged instance of Mr. Clark singling her out for disparate treatment. It was customary for workers in the department to clock out a few minutes early if the work was done. On one occasion, the claimant was about to clock out three minutes early when Mr. Clark told her she could have made a salad or performed some other task. The claimant recognized the suggestion as unreasonable and said something to that effect. The claimant alleges Mr. Clark told the claimant that if she did it again, he would fire her.

### **REASONING AND CONCLUSIONS OF LAW:**

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

When a claimant was absent for three days without giving notice to employer in violation of company rule, the claimant is presumed to have voluntarily quit without good cause attributable to the employer. See Iowa Admin. Code r. 871-24.25(4).

Quits due to dissatisfaction with the work environment or a personality conflict with a supervisor are presumed to be without good cause attributable to the employer. See Iowa Admin. Code rules 871.24.25(21) and (22).

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See Iowa Admin. Code r. 871-24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O’Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d (Iowa 2005).

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all,

part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa Ct. App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

The weight of the evidence in the record establishes a voluntary quit without good cause attributable to the employer. The claimant's testimony included elements of hyperbole and drama that undermined the claimant's credibility. The best example of this was the claimant's assertion that Mr. Clark pounded his fist on a table and poked his finger "within an inch" of her face. It was not unreasonable for the claimant to go to the office with her concern on the last day of the employment. It was not unreasonable for the employer to want to take orderly and authorized steps to address that concern and the new concern that had come to the employer's attention, the concern that the claimant might be under the influence of alcohol. The weight of the evidence fails to establish a reasonable basis for the claimant's decision to cut the contact short, clock out and go home. The weight of the evidence fails to establish a reasonable basis for the claimant's refusal to return to the workplace on that last day so that her concern and the employer's additional concern could be addressed in an orderly manner. Given the problems with the claimant's credibility, the evidence does not support a finding that the working conditions were intolerable and/or detrimental or that they would have prompted a reasonable person to leave the employment. The weight of the evidence instead establishes a voluntary quit without good cause attributable to the employer, based on a decision not to comply with the employer's attempt to investigate the alcohol concern, dissatisfaction with the work environment and the relationship with Mr. Clark, and based on the failure to return or make further contact after that last day. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.

**DECISION:**

The July 22, 2021, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The quit was effective April 24, 2021. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to 10 times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.



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James E. Timberland  
Administrative Law Judge

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November 19, 2021  
Decision Dated and Mailed

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed for reasons related to COVID-19, may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.