

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**STEFANY R RUTLEDGE**  
Claimant

**WALMART INC**  
Employer

**APPEAL NO. 20A-UI-07038-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/29/20**  
**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 June 23, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 31, 2020. Claimant participated. Employer participated by Norman Merrill. Employer failed to answer when called for the hearing.

**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 sometime in the middle of March, 2020. From the last, unspecified date forward, claimant did not work her scheduled shifts as a result of an uncomfortable situation with a coworker.

Claimant stated that she had an uncomfortable relationship with a coworker that she sought to stop by transferring to another store in the area. As claimant had not been an employee for a year, she was unable to transfer through normal company procedures. Claimant stated that she'd communicated with the store manager on multiple occasions and had been told that the transfer was going through, but changes needed to be made.

Claimant knew that the transfer had not been completed at the time when she stopped going to work. Claimant stated that she had recently moved and did not have internet access to see her schedule, so she did not go into work.

**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:

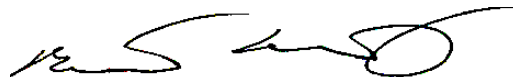
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

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 by not going to work because she did not wish to be around a coworker. Claimant made no allegations that the coworker did anything criminal, assaultive or in any way against company policies, but she felt it was in the best interest of her marriage for claimant to transfer. Unfortunately, said transfer had not been completed when claimant stopped showing up for work.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* The good cause reason in this matter was not attributable to employer, but rather to personal reasons. Benefits are denied.

**DECISION:**

The decision of the representative dated June 23, 2020, reference 01, 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.



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Blair A. Bennett  
Administrative Law Judge

August 6, 2020  
Decision Dated and Mailed

bab/scn