

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARLA S BATCHELOR

Claimant

APPEAL NO. 09A-UI-03206-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GLAZER WHOLESALE DISTRIBUTORS

OF IOWA INC

MESSER DISTRIBUTING

Employer

OC: 08/31/08

Claimant: Appellant (1)

Section 96.5(1) - Quit

STATEMENT OF THE CASE:

The claimant, Carla Batchelor, filed an appeal from a decision dated February 23, 2009, reference 03. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on March 24, 2009. The claimant participated on her own behalf. The employer, Glazer Wholesale Distributors of Iowa, Inc. (Glazer) participated by State Administrator Amy Burgess, and District Sales Manager Jenny McAlpine.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Carla Batchelor was employed by Glazer from October 1, 2008 until January 30, 2009 as a full-time sales representative. The job description was on the on-line site the claimant used to make an initial application. District Sales Manager Jenny McAlpine interviewed her and asked if she would have trouble lifting as much as 60 pounds and Ms. Batchelor said no.

The claimant had difficulty with the job as it entailed setting up merchandizing displays, unloading pallets and rotating older stock. She was not doing well on the job and had been given her final written warning January 2, 2009, for not getting orders in on time, not filling the displays, not rotating stock and having accuracy problems on her orders. A few days later she spoke with Ms. McAlpine to ask if the supervisor thought she would eventually catch on to the job. Ms. McAlpine said she did not know.

Ms. Batchelor gave a verbal resignation on January 20, 2009, giving her last day as January 30, 2009.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

871 IAC 24.25(21) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

The claimant found the job she was hired to do more than she had actually expected. The physical aspects of the job were made known to her at the time of interview when she was asked if she could do lifting. There does not appear to have been any misrepresentation of the work duties. The record establishes the claimant's resignation was without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of February 23, 2009, reference 03, is affirmed. Carla Batchelor is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs