

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDA S CHRISTY
Claimant

APPEAL NO. 09A-UI-18443-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP
Employer

OC: 11/15/09
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Linda Christy, filed an appeal from a decision dated December 7, 2009, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 20, 2010. The claimant participated on her own behalf. The employer, Cargill, participated by Human Resources Associate Jessica Shepard.

ISSUE:

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

FINDINGS OF FACT:

Linda Christy was employed by Cargill from December 17, 2008 until November 2, 2009 as a full-time production worker. She had bid into her current job and was trying to bid out of it but did not have enough seniority. Frequently she had gone to the nurse because of pain in her hands she believed to be work-related. The nurse treated the problem by applying ice. The claimant did not get lasting relief from this treatment and finally asked the nurse what else she could do. He told her the next step would be to “fill out papers” and see the company doctor.

The claimant knew this meant filing a worker’s compensation claim and she was concerned the next step would be surgery. She did not want to have surgery because she is also a hair stylist and feared surgery would make her unable to continue in that line of work.

Her last day of work was October 22, 2009. On November 2, 2009, she came to the human resources office and told the receptionist she was quitting then turned in her badge. The receptionist offered her an exit interview to fill out so she could explain why she was leaving, but Ms. Christy declined.

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.

The claimant quit voluntarily because her hands hurt. Although she believed the problem to have been caused by her job, she did not have the recommendation from a doctor to quit. In fact, she was offered the opportunity to see a company doctor about the problem but declined rather than face the possibility of having to have surgery. In order for good cause attributable to the employer to exist, a claimant with grievances must make some effort to give the employer an opportunity to work out whatever problem led to the grievance. By not giving notice to the employer of the circumstances causing the decision to quit employment, the claimant failed to give the employer an opportunity to make adjustments which would alleviate the need to quit. *Denby v. Board of Review*, 567 P.2d 626 (Utah 1977).

The record establishes the claimant did not have good cause attributable to the employer for quitting. She is disqualified.

DECISION:

The representative's decision of December 7, 2009, reference 01, is affirmed. Linda Christy 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/css