

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RENEE A NORFLEET
Claimant

AUTOZONERS LLC
Employer

APPEAL 17A-UI-06687-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/04/17
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 28, 2017, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary resignation. The parties were properly notified about the hearing. A telephone hearing was held on July 20, 2017. Claimant participated. Employer participated through district manager Johann Linder.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on June 28, 2014. Claimant last worked as a full-time parts sales manager. Claimant was separated from employment on May 16, 2017, when she resigned.

In February 2017, claimant was diagnosed with a heart condition. The condition is not work related.

On approximately March 28, 2017, claimant brought in a doctor's note stating she could not lift more than ten pounds through April 11, 2017, due to her heart condition. Employer accommodated the restriction.

On approximately May 2, 2017, claimant brought in a doctor's note stating she could not lift more than ten pounds through May 30, 2017, due to her heart condition. Manager Heidi Taylor told claimant she would submit the note to the corporate human resource department. Taylor told claimant the human resource department would decide whether the request could be accommodated, and Taylor did not know if she could continue to schedule claimant to work.

Taylor did continue to schedule claimant to work, and did not require her to lift more than ten pounds although claimant felt Taylor was unhappy about it. Claimant's doctor told her that if employer did not accommodate her restrictions, she would need to resign.

On May 8, 2017, Taylor talked to claimant about \$100.00 that was missing from the register drawer and the fact that claimant rang up a purchase for a relative in violation of employer's policy.

The next day, on May 9, 2017, claimant submitted a written notice of resignation. Claimant's last day of scheduled work was May 20, 2017.

Claimant was scheduled to work on May 18, 2017. Claimant did not work due to her health condition and brought Taylor a doctor's note excusing her absence. Taylor informed claimant she did not need the note and that employer did not need claimant to work during her last two scheduled days of work on May 19 and 20, 2017.

Claimant filed a claim for benefits with an effective date of June 4, 2017.

Claimant's doctor has not released her to return to work with no restrictions.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without 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. 871-24.25(22) 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:

(22) The claimant left because of a personality conflict with the supervisor.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

In this case, claimant resigned because she did not like manager Heidi Taylor's attitude about her lifting restriction and the way Taylor approached her about a shortage in the cash register and a violation of a store policy. This amounts to a personality conflict. Ultimately claimant was not required to lift more than ten pounds. While the work environment may have been undesirable to claimant, it would not have been intolerable to a reasonable, objective person.

Claimant asserts she resigned because employer failed to accommodate her restrictions, but never pointed to a specific incident where she was actually required to lift more than ten pounds. Even if claimant had resigned upon the advice of her doctor because employer failed to accommodate her restrictions, she would not be eligible for benefits.

Iowa Code section 96.5(1)d 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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

The record reflects that claimant's medical condition is not work-related and she is unable to perform full work duties because of the illness or injury (not because her work caused or aggravated her illness) and, for unemployment insurance benefits purposes, the employer is not obligated to accommodate a non-work related medical condition. Accordingly, even if claimant resigned because employer would not accommodate the condition and her physician recommended the separation, the separation is still considered without good cause attributable to the employer pursuant to unemployment law.

DECISION:

The June 28, 2017, (reference 01) unemployment insurance decision is affirmed. Claimant is separated from the employment without good cause attributable to employer. Benefits are withheld until such time as she works in and has been paid wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn