

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINA M CURRIER
Claimant

APPEAL NO: 13A-UI-08532-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

HY-VEE INC
Employer

OC: 06/23/13
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(27) – Job Refusal

STATEMENT OF THE CASE:

The claimant appealed a department decision dated July 15, 2013, reference 02, that held she voluntarily quit employment without good cause on June 11, 2013, and benefits are denied. A telephone hearing was held on August 26, 2013. The claimant participated. Connie Heidemann, HR Manager, and John Fiorelli, Representative, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant began work on April 12, 2012 and last worked for the employer as a part-time salad bar clerk on June 11, 2013. The claimant had an issue with her manager yelling at her. Claimant met with the store HR person to request a transfer on June 11.

The HR person told claimant her transfer request would be considered in about two weeks depending on good attendance. When claimant was told she could go she understood it meant to leave the store. When HR learned claimant left the store she tried to contact her.

HR contacted claimant on June 14. Claimant said she had some medical issues and she said she was not coming back (meaning to employment). Claimant provided no medical documents that she was advised by a doctor to quit employment.

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 administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on June 11, 2013 due to a job refusal.

The claimant unreasonably understood the employer instruction to leave the meeting on June 11 to mean to leave the store. Claimant knew her request to transfer to a different department was under review that meant the employer wanted her to continue employment.

The most credible testimony is the employer pursued claimant when it learned she left the store and it took several days for it to make contact. When claimant told the employer she had medical issues, she volunteered she was not coming back that meant she was quitting. The employer did not ask claimant to quit, as it was willing to consider her transfer. Claimant submitted no medical statement she was advised by her doctor to leave employment.

DECISION:

The department decision dated July 15, 2013, reference 02, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on June 11, 2013. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css