

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTOPHER V PIKE**  
Claimant

**APPEAL NO. 06A-UI-10371-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 09/24/06 R: 04**  
**Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Christopher Pike, filed an appeal from a decision dated October 18, 2006, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 7, 2006. The claimant participated on his own behalf. The employer, Wal-Mart, participated by Human Resources Manager Joyce Gitch and Store Manager Mark Ryan.

**ISSUE:**

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

**FINDINGS OF FACT:**

Christopher Pike was employed by Wal-Mart from June 18, 2002 until September 8, 2006. He was a full time assistant manager. The claimant had lower back and hip problems which were not work-related. He requested time off from Store Manager Mark Ryan and it was agreed he could take vacation from September 1 through 7, 2006, with a return to work date of September 9, 2006. If he needed more time off than that, Mr. Ryan said he could not guarantee it, but the claimant could pick up medical leave of absence forms and have his doctor fill them out. A medical appointment had been scheduled for September 7, 2006, but the claimant's doctor had to go out of town and the claimant made no effort to see another physician.

On September 8, 2006, a co-manager, Mr. Christopher, called the claimant and asked if he was going to work the next day as scheduled. Mr. Pike said he was not planning on coming to work and the co-manager said he had been covering for him but could not do it the next day because he was going out of town. Mr. Christopher called Mr. Ryan and asked him what to do and was told to try and find a substitute for the next day, but he did not.

Instead, the claimant called Mr. Ryan back later that day and said he was quitting, that it was time for them to "part ways."

**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 because he felt the employer was not responding properly to his medical concerns. However, the record establishes the store manager promised to do what he could if Mr. Pike submitted the medical leave of absence papers. The fact the claimant did not obtain, much less fill out, the leave papers is not the responsibility of the employer. Mr. Pike's reason for quitting was apparently due to frustration that the employer was not going to assume full responsibility for his medical leave by arranging it as well as replacements for his shifts. The administrative law judge cannot conclude this constitutes good cause attributable to the employer and the claimant is disqualified.

**DECISION:**

The representative's decision of October 18, 2006, reference 01, is affirmed. Christopher Pike is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw