

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DEBRIA D BARNES
Claimant

MG WALDBAUM COMPANY
Employer

APPEAL NO. 17A-UI-12119-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/05/17
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 17, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 14, 2017. Claimant participated. Employer participated by Heather Samo. Employer's Exhibits 1-2 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 21, 2017. Claimant voluntarily quit her work on October 30, 2017 for medical reasons.

Claimant worked second shift quality control for employer. Claimant stated that she was not allowed to go on lunch breaks every other day and would not be given other breaks. Employer disputed this and stated that claimant's time cards showed that she was given a half hour lunch break, that she had to fingerprint out herself, on a daily basis. Claimant stated that she often worked twelve hour shifts with no breaks. Employer stated claimant worked four, twelve hour shifts in the six months before her quit, and had breaks each time.

Claimant additionally stated that she was unable to speak with human resources about her working conditions, but spoke with human resources about getting on and retaining FMLA status. Claimant mentioned that she was the only person who needed doctor's releases for claimant to return to work after over three days' consecutive absences; employer denied this.

When claimant put in her notice to quit, she said it was for medical reasons. She stated that she appreciated her supervisor. Claimant told the administrative law judge that her supervisor would not share claimant's complaints regarding work hours with human resources as human resources had no documentation of complaints.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of medical reasons. Claimant's testimony concerning hours worked without breaks is not deemed credible as employer specifically looked up time cards showing claimant had lunch breaks every day. Claimant's job separation notice and statements did not mention breaks in any way. Claimant did not prove her quit was with good cause attributable to employer.

DECISION:

The decision of the representative dated November 17, 2017, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn