

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TRACI N CUNNINGHAM**  
Claimant

**APPEAL 16A-UI-04412-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WHIRLPOOL CORPORATION**  
Employer

**OC: 12/20/15  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Traci N. Cunningham (claimant) filed an appeal from the April 14, 2016, (reference 03) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit her employment by refusing to continue working which is not a good-cause reason attributable to Whirlpool Corporation (employer). The parties were properly notified about the hearing. A telephone hearing was held on April 29, 2016. The claimant participated on her own behalf. The employer did not participate.

**ISSUE:**

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as an Assembler beginning on September 21, 2015, and was separated from employment on March 30, 2016, when she quit. The claimant had originally been hired onto third shift as that was the shift she needed to care for her physically impaired child. In January 2016, the claimant accepted a first shift position as she was going to try and see if that would be better for her and her child.

On or about March 25, 2016, the claimant submitted a bump back to the third shift which she had completed with the assistance of the Union. She was initially told the bump would be allowed. She was then told she could not bump but would have to bid back onto the shift. The claimant was also moved to a new line where she was going to be trained. The claimant missed work on March 28 and 29 due to her child's illness. She had previously been given warnings about absenteeism and believed her job was in jeopardy.

On the morning of March 30, 2016, when the claimant returned to work, she worked approximately 45 minutes. She saw her supervisor that morning who did not say anything to her about her absences. The claimant bumped her head on the freezer area three times, but did not tell any supervisors. The claimant also worked next to two co-workers who were yelling at each other over the line. The claimant believed their argument might become a physical

altercation. She did not notify any supervisors about her concern. The claimant left her position on the line and walked out. She told the team lead she was quitting, but acknowledges the team lead has no authority.

### **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. Benefits are denied.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(6), (17), (18), (21), (22), (23), (27) and (33) provide:

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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

(17) The claimant left because of lack of child care.

(18) The claimant left because of a dislike of the shift worked.

(21) The claimant left because of dissatisfaction with the work environment.

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

(23) The claimant left voluntarily due to family responsibilities or serious family needs.

(27) The claimant left rather than perform the assigned work as instructed.

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

The 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). The claimant's leaving the employment without notice or reason, and the failure

to return to work renders the separation job abandonment without good cause attributable to the employer. Accordingly, benefits are denied.

**DECISION:**

The April 14, 2016, (reference 03) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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