

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DENISE D BERTCH
Claimant

TARGET CORP
Employer

APPEAL 15A-UI-08810-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/10/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 31, 2015, (reference 03) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on August 26, 2015. Claimant participated. Employer participated through human resources business partner, Liz Schmitt.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a warehouse worker from June 16, 2015, and was separated from employment on July 15, 2015, when she resigned.

When claimant interviewed for the job, employer informed her she would be required to lift up to 65 pounds. Claimant was told she could be unloading trucks. Claimant was aware of the hours she would be working. During the interview process, employer brought claimant to an area where employees were loading trucks and informed her that was a job she could be assigned to perform. Employer told claimant if she felt the job was too physical for her, she was free to excuse herself from the interviewing process.

After claimant began working in the position, she realized it was more physically demanding than she originally anticipated. Claimant worked four days per week on ten-hour shifts. Claimant was required to lift boxes consecutively, many of which were overhead. At one time, the boxes fell toward claimant. At another point, claimant pulled a muscle in her back. However, her trainer told her not to tell anyone as she was on her 90-day probation. Claimant's supervisor told her to try to use the restroom during break. Claimant's trainer also informed her of an unsafe situation when unloading trucks, but claimant never actually faced the situation herself.

On July 15, 2015, claimant called employer's human resources department. Claimant told the person she spoke with that the job was not working out for her for personal reasons, and

because of the hours and the commute. In fact, claimant found the job too physically demanding.

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 § 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.

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).

Here, claimant has not shown she left employment for good cause attributable to the employer. While the job was no doubt very physically demanding, claimant was aware of this possibility when she accepted employment. Claimant was not prevented from using the restroom. Claimant made the decision not to report her back injury to employer. Employer's management-level employees did not discourage her from doing so. Claimant herself never faced an unsafe situation. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law.

DECISION:

The July 31, 2015, (reference 03) unemployment insurance decision is affirmed. 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.

Christine A. Louis
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Decision Dated and Mailed

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