

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUSTINE M GERBER**  
Claimant

**APPEAL NO. 11A-UI-16591-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TARGET CORPORATION**  
Employer

**OC: 01/09/11**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 28, 2011 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on January 30, 2012. Claimant participated. Employer participated through Human Resources Business Partner Amy Mosley.

**ISSUE:**

Did the claimant voluntarily leave 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: Gerber was employed full-time as a packer (12-hour, three-day weekend shifts) from September 27, 2011 and was separated from employment on November 28, 2011. During the initial interview, Target showed a DVD depicting packer and warehouse worker jobs and pointed out the difference to the group, including Gerber. The actual pod, approximately 12 feet along a conveyor belt, where the packer would work was not shown. The packer walks along the conveyor system to pack various boxes for different stores. Gerber thought she would be using a fork lift at some point during the three-month training period; but, when she questioned group leader and immediate supervisor Mindy McGuire, she was told her job did not include use of the fork lift and told her to go to human resources. Gerber went to Kimber in human resources and she told claimant if she was that unhappy, she should quit, because it would adversely affect other employees, since there were seasonal workers that liked that job and would like to do that on a permanent basis. She was also told that she may be able to move into a warehouse position within a year. Gerber signed a voluntary termination notice. (Employer's Exhibit 1) Continued work was available.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Gerber voluntarily left the employment without good cause attributable to Target.

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.

871 IAC 24.25(27) 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 § 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:

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

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

Target gave reasonably representative information to Gerber about the difference between her job duty as a packer and a warehouse worker. Gerber's leaving the employment because of her misinterpretation, rather than Target's misrepresentation, renders the separation without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The December 28, 2011 (reference 01) decision is affirmed. Gerber voluntarily left her employment without good cause attributable to Target. 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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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw