

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSHUA L MELVER
Claimant

APPEAL NO. 12A-UI-06476-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TARGET CORPORATION
Employer

OC: 05/06/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated May 30, 2012, reference 01, which denied unemployment insurance benefits. After due notice, a telephone hearing was held on June 26, 2012. Claimant participated. The employer indicated they would not be participating.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Joshua Melver was employed by Target Corporation from July 12, 2011 until July 26, 2011 when he voluntarily resigned his position. Mr. Melver was hired to work as a full-time warehouse worker and was paid by the hour.

After undergoing training and working one day as a warehouse worker, Mr. Melver informed his employer that he had been prescribed strong pain relieving medication by his doctor due to a medical condition. Because of the side effects which included lightheadedness, dizziness and heart palpitations, the claimant was required to obtain a release from his physician verifying that he could perform his duties as a warehouse worker. Mr. Melver did not supply a medical release to Target Corporation.

In its statement to the agency, Target Corporation stated that the claimant voluntarily resigned on July 26, 2011 by speaking to a company representative, Kimber Dall. In the claimant's statement to the agency representative during a discovery proceeding Mr. Melver stated that he "quit due to a non-work-related surgery, a colon problem and had to quit due to the problem."

It is the claimant's position that he does not recall quitting.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes good cause for quitting attributable to the employer. It does not.

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

In the case at hand, the evidence in the record establishes that Mr. Melver developed a serious health issue at or near the time of the accepted employment with Target Corporation. The evidence further establishes that Mr. Melver was prescribed strong pain relieving medications and informed the employer of the medications and the side effects of the prescribed medications. When the claimant could not obtain a release or doctor's statement verifying that he was able to work because of his medical condition and the medications prescribed by his physician, Target Corporation allowed the claimant approximately a two-week period to obtain the medical verification, however, the claimant did not do so. Both the former employer in its statement to the agency and the claimant in his statement to an agency representative specifically state that Mr. Melver "quit" employment. Although the claimant does not remember "quitting" the administrative law judge concludes that a preponderance of the evidence in the record establishes that the claimant quit employment for reasons that were not attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated May 30, 2012, reference 01, is affirmed. Claimant quit employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs