

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLES L ALSAGER JR**  
Claimant

**APPEAL NO. 07A-UI-06595-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 06/29/07 R: 02**  
**Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated June 29, 2007, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on July 19, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Nancy Kinsey participated in the hearing on behalf of the employer with witnesses, Luke Nordquist and Joetta Cortesio.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked for the employer as an unloader in the receiving area from August 13, 2006, to May 31, 2007. The claimant quit employment on June 6, 2007, due to unsafe and intolerable working conditions after he was injured by a co-worker who assaulted the claimant by pushing over some pallets. The claimant questioned a manager about whether he would have to continue working with the co-worker but he was told that was a confidential matter. The employer had actually discharged the co-worker due to his conduct but no one communicated that to the claimant to assure him that working conditions were safe.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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 unemployment insurance rules provide that a claimant who quits employment due to unsafe or intolerable working conditions quits employment with good cause attributable to the employer. 871 IAC 24.26(2) and (4). The evidence establishes the claimant quit due to unsafe and intolerable working conditions. He was assaulted by a co-worker and injured. He was entitled to know what the employer was doing or planning to do to insure that he was safe on the job. The claimant tried to find this out but was told by a manager that she could not tell him anything. This created working conditions that were intolerable and unsafe.

**DECISION:**

The unemployment insurance decision dated June 29, 2007, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css