

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DEBORAH L PAIGE**  
Claimant

**WALMART INC**

**APPEAL 21A-UI-25009-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/03/21  
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) - Voluntary Quit  
Iowa Admin. Code r. 871-24.25(6) - VQ - Inability to work with others

**STATEMENT OF THE CASE:**

Claimant/appellant, Deborah Paige, filed an appeal from the November 1, 2021, (reference 05) unemployment insurance decision that denied benefits, finding claimant voluntarily quit on August 7, 2021. After proper notice, a telephone hearing was conducted on January 10, 2022. The following hearings were held together as part of a consolidated hearing: Appeals 21A-UI-25009-DH-T, 21A-UI-25010-DH-T, and 21A-UI-250011-DH-T. Claimant participated personally. Employer, Walmart, Inc., did not participate. Judicial notice was taken of the administrative records. Employer's exhibit was objected to by claimant, as she had not received a copy of the proposed exhibit. The objection was sustained, and the exhibit was not admitted as it had not been provided to claimant as required pursuant to Iowa Admin. Code r. 871-26.15(5).

**ISSUE:**

Was the separation a layoff, discharge for misconduct or voluntarily quit without good cause?

**FINDINGS OF FACT:**

Having heard the testimony and reviewed the evidence and the record, the undersigned finds:

Claimant's first day of work was in March or April of 2021. Her last day worked was August 7, 2021. Claimant called in to work on August 8, 2021. She was going to report she couldn't come into work because of her non-work related illness. During her attempt to do this, Claimant perceived that she was getting attitude from the person she was talking to in human resources. Instead of working through it, Claimant stated she would just quit and not deal with them.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was a voluntary quit 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.

Iowa Admin. Code r. 871-24.25(6) 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 section 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 section 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.

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). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

Claimant got frustrated with the sick leave call in process. She believed the employer was giving her attitude. Claimant chose not to work with them to get her sick leave request in and decided to quit instead of doing so. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The November 1, 2021, (reference 05) unemployment insurance decision that denied benefits is **AFFIRMED**. Claimant voluntarily quit 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.



Darrin T. Hamilton  
Administrative Law Judge

April 4, 2022  
Decision Dated and Mailed

dh/mh