

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBARA HEWITT
Claimant

APPEAL NO: 14A-UI-06011-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

TARGET CORPORATION
Employer

OC: 05/18/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 6, 2014, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on July 3, 2014. The claimant participated in the hearing. Jennifer Leilig, Human Resources Team Leader, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her 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: The claimant was employed as a part-time cashier for Target from August 15, 2013 to May 26, 2014. She voluntarily quit because she was physically unable to work the hours scheduled.

The claimant has an illness that prevents her from standing on her feet for long periods of time. She provided doctor's notes to the employer excusing her from work January 1 through January 10, 2014; on February 8, 2014, excusing her from work from February 3 through February 28, 2014; and March 21, 2014, excusing her absence March 18 through March 21, 2014. None of the claimant's doctor's notes mentioned limiting her hours.

On May 14, 2014, the claimant provided the employer with a doctor's note stating she could not work more than four hours per day and 16 hours per week and the employer accommodated her restrictions. On May 17, 2014, the first day she was scheduled after the employer received her most recent doctor's excuse, she worked four hours and on May 19, 2014, she worked four hours and 15 minutes. The claimant was scheduled to work four hours May 21, 22 and 26, 2014, but was a no-call no-show each day. The employer tried to reach her each day but was unable to do so and the claimant did not return any of its calls.

The claimant stated that her employment was terminated by Executive Team Leader of Guest Services Gloria Swanson May 14, 2014, after she provided the doctor's note stating she could only work four-hour shifts and no more than 16 hours per week. She said she gave the note to Executive Team Leader of Human Resources Nick Rhomberg and following that Ms. Swanson called her to the office and stated she needed to give her two-week notice because of her attendance. Ms. Swanson does not possess the authority to discharge an employee without going through human resources.

The claimant stated all of her notes referenced her hours. The employer testified that none of the notes talked about her hours until the May 14, 2014, excuse.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant contends she was discharged by Ms. Swanson, the employer testified Ms. Swanson does not possess the authority to terminate an employee. The employer credibly testified the claimant's previous doctor's notes did not mention restricting her hours until the note of May 14, 2014, limited her to four hours per day and 16 hours per week. After the employer received that note, it changed the claimant's schedule to comply with those restrictions and the claimant worked four hours May 17, 2014 and four hours and 15 minutes May 19, 2014. The employer had no intention of terminating the claimant's employment.

Under these circumstances, the administrative law judge must conclude the claimant voluntarily quit her employment without good cause attributable to the employer as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The June 6, 2014, reference 01, decision is affirmed. The claimant voluntarily left her 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs