

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBYN ONKEN**  
Claimant

**APPEAL NO: 12A-UI-11227-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLGENCORP LLC**  
Employer

**OC: 08-19-12**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the September 10, 2012, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on October 11, 2012. The claimant participated in the hearing. Michael Williams, District Manager, 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 full-time training store manager for Dolgencorp from July 14, 2008 to August 21, 2012. She suffered a work-related back injury December 31, 2011, and was off work until February 27, 2012, at which time she was released with restrictions. The claimant worked February 27, 2012, but experienced extreme pain and her doctor took her off work again. On February 29, 2012, the claimant called her assistant manager to report she would not be in that day. District Manager Mike Williams then spoke to the claimant and indicated her job was in jeopardy. The claimant called Mr. Williams' supervisor and he also said the claimant's job was in jeopardy due to her absences because of her work-related injury. On April 16, 2012, the claimant was released to return with restrictions, including only working four hours per day. After that date the claimant felt Mr. Williams was demanding more from her than she could give with her restrictions of working four hours per day. On April 26, 2012, the employer was doing inventory. Mr. Williams brought in a manager from another store to help but she had to leave at noon. The claimant believed Mr. Williams wanted her to stay to finish the ten hour inventory process and so the claimant stayed that length of time because she was afraid if she did not she might lose her job. The claimant also felt "belittled" by Mr. Williams' comments to her in front of her staff, such as 'this is not good enough,' and stating she needed to do some tasks he knew she could not do with her restrictions. The claimant continued seeing her doctor, for both her medical care and the stress she felt from her job and the demands to do work outside of her

restrictions. She was also sent to a pain management clinic, where she discussed her pain but also her work concerns. Both her primary care physician and her pain management specialist recommended she quit her job but the claimant wanted to continue because she was on track to become a district manager. On July 6, 2012, the claimant spoke to the human resources department to explain she felt pressured to exceed her restrictions and that she felt belittled by Mr. Williams. Human Resources did not believe the claimant when she told her about the situation. By this time, the claimant had heard she was out of the running for district manager. Human Resources told her Mr. Williams took her out of the running and Mr. Williams told her Human Resources did so. Both said it was because of her injury. On July 9, 2012, the claimant had a discussion with Mr. Williams about how he was treating her after Human Resources called Mr. Williams about the situation. He told her to let him know when she felt he was belittling her. On August 6, 2012, the claimant was released to work eight hours per day. The situation did not improve and the claimant felt she could no longer continue in her employment. She notified Mr. Williams via email August 21, 2012, she was resigning effective immediately.

The claimant received a full release to return to work September 11, 2012.

#### **REASONING AND CONCLUSIONS OF LAW:**

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

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. The employer pressured the claimant, and the claimant pressured herself to some extent, to exceed her restrictions because she was afraid she would lose her job due to her injury and subsequent restrictions, if she did not do so. Whether Mr. Williams realized it or not, his actions and comments caused the claimant to believe her job was continually in jeopardy if she did not work beyond her restrictions. She was also under the impression that she was out of the running for the district manager position, a job she had worked toward for several years, because of her work-related injury and restrictions, after her conversation with Human Resources. Under these circumstances, the administrative law judge concludes the claimant's has met her burden of proving her leaving was due to intolerable and detrimental working conditions as those terms are defined by Iowa law. Therefore, benefits are allowed.

**DECISION:**

The September 10, 2012, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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