

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUDY A MAUSSER
Claimant

APPEAL NO. 11A-UI-11487-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 07/31/11
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 25, 2011, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on September 26, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Sean Schneckloth participated in the hearing on behalf of the employer. Exhibits One through Seven were admitted into evidence at the hearing.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked full time for the employer from June 26, 2000, to June 1, 2011. She was working as a department manager when her employment ended.

On June 1, 2011, the claimant was given an evaluation in which she was rated as needing improvement. As a result, the claimant did not receive a 40 cent raise that would have been given if she had been rated as satisfactory. She did not believe the evaluation was fair, based on the problems she was having with the assistant manager who prepared the evaluation and due to problems with short-staffing that she believe caused her to be unable to satisfactorily complete all the work assigned to her.

The situation at work caused the claimant to feel stressed. As a result, the claimant went to a doctor, who diagnosed her as suffering from depression. The claimant filed for and received a medical leave of absence from the employer based on a certification from her doctor that she was unable to work due to the anxiety and depression. She was originally on leave from June 6 to July 14, but the leave was extended to August 1.

The claimant was released to return to work by her doctor on July 31; but, instead of returning to work, she submitted her resignation. She resigned rather than return to work because she was afraid that her emotional problems would reoccur if she returned to work.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

Since the claimant had been released by her doctor to return to work, she cannot have quit for medical reasons. The unemployment insurance rules provide that a claimant who quits due to intolerable or detrimental working conditions has quit with good cause attributable to the employer. 871 IAC 24.26(4). The evidence does not show working conditions at the time the claimant quit were intolerable. She quit because she thought that the emotional problems she was experiencing would reoccur if she went back to work. But, this would be speculation on her part, she would no way of knowing this without trying to return to work. No good cause for quitting has been shown in this case.

DECISION:

The unemployment insurance decision dated August 25, 2011, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw