

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALEXANDRIA L STEELE
Claimant

WHIRLPOOL CORPORATION
Employer

APPEAL 18A-UI-02119-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/14/18
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 5, 2018, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on March 13, 2018. Claimant participated. Employer did not register for the hearing and did not participate.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a machine operator from November 3, 2016, and was separated from employment on January 12, 2018, when she quit.

In August 2017, claimant's supervisor Paul offered her the opportunity to work on the extruder machine in the plastic's department. Claimant then trained on the extruder machine in September, October, and November 2017. Claimant expected to take over on the extruder machine on December 2, 2017; however, on December 2, 2017, the employer assigned another employee, Doug, to work on the extruder machine. The extruder machine was a one person job.

A supervisor has the authority to switch employees from machine to machine. As a supervisor, Paul had the authority to decide what employee works on each machine. The employer does not have a bidding process for employees to work on a specific machine. The employer uses a bidding process for employees to change departments or shifts.

After December 2, 2017, claimant did not have a permanent position in the plastic's department and was floating to different areas in the plastics department. At the end of each shift, claimant would check in with her team lead Tyler to determine what position she was supposed to report to on the following day. One day in December 2017, claimant worked a shift as a grinder. At the end of her shift, claimant went to check in with Tyler to see what position she was to report

to the following day, when Nathan, the team lead in charge of the grinder position, stopped her. Nathan yelled at claimant and told her that she was to check with him (Nathan) instead of Tyler. The conversation got heated and claimant got angry with Nathan because he kept yelling. The next day, Paul gave claimant a coaching. During the coaching, Paul offered to let claimant work on the extruder machine. The next couple of days, claimant stood around the extruder machine, but Doug was still running the machine. After a couple days, claimant asked Tyler what she should do because Doug was still running the extruder machine. Tyler told her to float in the area. Claimant floated in the area for a couple of days and eventually went back to the grinder area. Claimant was working next to the grinder machine for approximately two days before she went on Christmas and New Year's break.

When claimant returned from break, the employer still did not have an assigned position for her. The employer then assigned claimant to work with another employee, Travis, on a smaller machine in the plastic department. Claimant asked Travis if she was in his way and he said no. Travis never told claimant that she was in his way. Travis showed claimant how to use the machine. Claimant stayed on this machine for approximately a week.

After approximately a week, claimant was moved to the rafters area in the plastics department. Claimant worked on a line in the rafters area, which was physically demanding. If claimant needed to take a break while working on the line in the rafters area, she had to have an employee replace her before she could leave. Claimant worked in the rafters area for three days. On the third day claimant was in the rafters area, she experienced a side effect of a physiological condition. At the end of claimant's shift she informed her union steward what happened and she quit. Claimant quit because the employer did not give her the position on the extruder machine and the rafter job was physically demanding which exacerbated a side effect of physiological condition.

Prior to quitting, claimant did not inform the employer about any potential side effects she was experiencing. Claimant also did not inform the employer she may need to have to take a break on short notice. Claimant also did not inform the employer that the job in the rafters area was too physically demanding. The employer did not tell claimant she had to quit or she would be discharged.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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(21) and (22) 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:

- (21) The claimant left because of dissatisfaction with the work environment.
- (22) The claimant left because of a personality conflict with the supervisor.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

Supervisors have the authority to assign employees to the machines it deemed appropriate. Claimant's decision to quit because she did not agree with her supervisor's decision not to assign her on the extruder machine was not for a good cause reason attributable to the employer.

Claimant's desire to not work in the rafters area because the physical demands of the job exacerbated the side effects of her physiological condition is understandable; however, she did not inform the employer about the issue to give it an opportunity to provide any accommodations. Claimant also did not request any accommodation from the employer.

Claimant has not met her burden of proving that her voluntary leaving was for good cause attributable to the employer. While claimant's leaving the employment 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 must be denied.

DECISION:

The February 5, 2018, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs