

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAM J HANSSEN
Claimant

WAL-MART STORES INC
Employer

APPEAL NO. 14A-UI-04697-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/06/14
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 29, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 27, 2014. Claimant participated. Employer participated by Josh Leatherman.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 26, 2014. Claimant had worked as a cashier, working in the electronics department. As a part of her duties she was asked at times to aid in the moving of large electronics.

Claimant forwarded FMLA papers to her work in 2012 and 2013. The papers stated that at times claimant would have to take time off when her fibromyalgia was acting up and causing her great pains. The effective date of her most recent FMLA filing ran until October 2013. Claimant had taken off approximately ten days in the year preceding her separation to deal with the pain of her fibromyalgia. Since October, claimant had not forwarded new FMLA papers to employer. The most recent FMLA document stated that claimant was supposed to have time off as needed to deal with the pain, but did not mention any weight restrictions.

Within the last few weeks before her job separation claimant had asked to be switched to another department. Management had not complied with these wishes. Claimant decided the lifting was too much for her in electronics and quit the job.

Through questioning of the claimant it is found that she is able and available to pursue other employment.

REASONING AND CONCLUSIONS OF LAW:

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was unable to switch departments. Employer had consistently worked with claimant and had still allowed her many days off work when claimant's fibromyalgia acted up, even though the FMLA documentation in employer's file was out-of-date.

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.

DECISION:

The decision of the representative dated April 29, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css