

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MELISSA J MILLS
Claimant

FEDERAL EXPRESS CORP
Employer

APPEAL NO: 20A-UI-06361-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 5, 2020, (reference 03), decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on July 22, 2020. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing.

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 handler for Federal Express from August 11, 2019 to April 8, 2020. She voluntarily left her employment due to intolerable and detrimental working conditions.

The claimant loaded planes at the airport for Federal Express. Prior to April 7, 2020, employees loaded the back end of the planes using a belt loader with two people at the top in the plane in a 10 x 10 area. The belt loader ran approximately 12 inches below the belly of the plane so one employee sat on the edge and loaded packages the other employee gathered and tossed to them. The height of the plane was approximately 20 feet. The claimant had fallen out once and consequently had a fear of falling out of the plane. On April 7, 2020, the employer changed the operation to only having one employee in the plane. The claimant was designated to be in the plane by herself and was having difficulty getting the packages on the belt loader. The employer told her to come down and she spent the rest of her shift unloading dollies. During the pre-shift meeting April 8, 2020, the manager stated the claimant had concerns about making the two-person job a one-person job. The claimant asked if it was the manager's policy or a Federal Express policy and was told it was a company policy. The manager said the job could be done by one person but acknowledged it was not easy. The claimant suggested that everyone do one day on that job and then rotate but her idea was rejected and she was told she would have to stay up there all week and could not be reassigned. The claimant said she was

reevaluating her position. Later that day she sent her manager a text message stating she felt she was putting her life in danger performing the job with just one person. She left her badge and uniforms and did not return.

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, 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.

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 claimant had fallen 20 feet previously while loading packages onto the belt loader from the plane. She felt the employer was endangering her life by forcing her to perform the job by herself when she could not sit on the edge while another employee pushed the packages to her as otherwise she had to attempt to drop packages onto the belt loader while standing up. The claimant made every effort to try to perform the job to the employer's expectations but was understandably fearful about the situation. She talked to the employer but it would not or could not accommodate her concerns.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d (Iowa 2005).

The claimant has demonstrated that her leaving was for intolerable and detrimental working conditions and a reasonable person would quit under those circumstances. Consequently, the administrative law judge finds the claimant has met her burden of proving her leaving was for good cause attributable to the employer. Therefore, benefits are allowed.

DECISION:

The June 5, 2020, (reference 03), decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible.



Julie Elder
Administrative Law Judge

August 3, 2020
Decision Dated and Mailed

je/mh