

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LILIANA G ROMERO ZUNIGA
Claimant

WALMART INC
Employer

APPEAL NO. 21A-UI-23269-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/12/21
Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 12, 2021, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 10, 2021. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Interpretive services were provided by CTS Language Link.

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 July 6, 2021. Claimant voluntarily quit after that date as she was not getting the help and training needed to learn how to operate company computers. Additionally, and relatedly, the claimant was also being treated poorly by her coworkers because she is Hispanic and speaks limited English.

Claimant was a customer service representative working approximately 28 hours a week. As a part of her job, claimant was to learn computer systems. Claimant struggled with this and repeatedly asked for assistance. Claimant's coworkers refused to help claimant learn the systems, even after claimant complained to her supervisors. Claimant also complained on multiple occasions how she was ignored and treated rudely by coworkers. Claimant believed it was because she is Hispanic. After claimant was unable to get assistance or respect from her coworkers, she quit her employment.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer refused to properly train claimant or to request that her coworkers treat her with respect and not ignore her.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, claimant asked repeatedly for assistance from managers. They did not provide her the requested assistance to help claimant learn to do her job. Supervisors seemingly allowed claimant to be treated as a second-class worker. This inactivity by management led to claimant's quit. Benefits are allowed.

DECISION:

The decision of the representative dated October 12, 2021, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

January 13, 2022
Decision Dated and Mailed

bab/mh