

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT G FISHER

Claimant

APPEAL NO. 11A-UI-06210-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC

Employer

OC: 10/17/10

Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated April 29, 2011, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 7, 2011. Claimant participated. Employer participated by Lori Sander, Staffing Specialist.

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 was employed with the employer from December 6, 2010 through January 25, 2011. He was assigned to production assembly of electric wire harnesses for a client of the employer. Claimant is color blind and found it very frustrating to perform this task as he could not differentiate by color the various electrical wires. He advised the supervisor at the job site and the employer of this problem but it was not resolved. He asked for a different assignment but none was offered. When no resolution occurred he quit.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

Claimant was assigned a job task that was not within his abilities given his disability. His frustration was due to the employer's failure to accommodate his disability and amounts to a detrimental and intolerable work environment. The claimant's sworn testimony that no

accommodation was made is given greater weight than the employer's hearsay testimony. His separation from employment was with good cause attributable to the employer. 871 IAC 24.26(4).

DECISION:

The April 29, 2011, reference 02, decision is affirmed. Benefits are allowed, provided claimant is otherwise eligible.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

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