

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ROBERT L FARRAN**  
Claimant

**WAL-MART STORES INC**  
Employer

**APPEAL 15A-UI-00633-L**  
  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/28/14**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 14, 2015 (reference 01) unemployment insurance decision that denied benefits because of voluntarily quitting the employment. After due notice was issued, a hearing was held on February 23, 2015 in Dubuque, Iowa. Claimant participated. Employer participated through shift manager Tony Aguilar.

**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 as a full-time people greeter from July 26, 1997 through December 30, 2014. Claimant became upset with Aguilar after a lack of communication from the customer service desk about where to direct customers with returns. Aguilar suggested he seek out the information rather than relying on someone from customer service to notify him. When claimant indicated he had not had a break that day, Aguilar contacted someone to relieve him for break. Aguilar heard claimant continue to grumble about the incident on his way to another area so called claimant to his office to continue the conversation and resolve the issue. Claimant became so upset he feared another heart attack so he quit and left. He had not obtained medical advice to quit the employment. Continued work was available.

**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. Iowa Code § 96.5-1-d 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. But the individual shall not be disqualified if the department finds that:

d. The individual left employment because of illness, injury or pregnancy upon the advice of a licensed and practicing physician, and upon knowledge of the necessity for absence immediately notified the employer, or the employer consented to the absence, and after recovering from the illness, injury or pregnancy, when recovery was certified by a licensed and practicing physician, the individual returned to the employer and offered to perform services and the individual's regular work or comparable suitable work was not available, if so found by the department, provided the individual is otherwise eligible.

Iowa Admin. Code r. 871-24.25(21) and (22) provide:

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).

Claimant has not established he had quit upon medical advice as is his burden. While claimant's leaving the employment may have been based upon good personal reasons, his dispute with Aguilar was not for a good cause reason attributable to the employer according to Iowa law. Benefits must be denied.

#### **DECISION:**

The January 14, 2015 (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 he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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