

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DARRELL S MEISTER
Claimant

APPEAL NO. 10A-UI-11472-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PELLA CORPORATION
Employer

OC: 06/20/10
Claimant: Respondent (1)

Section 96.5-1- Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's August 10, 2010 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit his employment for reasons that qualify him to receive benefits. The claimant participated in the telephone hearing. Jennifer Grandgenett, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer in June 1996. The claimant worked as a full-time operator.

The employer transferred the claimant to another line in November 2009. On the fixed line, the claimant had to learn new jobs. The employer started moving him to different work cells that violated his February 2006 work restriction. In February 2006, the claimant gave the employer a permanent work restriction stating he could not work at a job that required him to bend over at the waist.

After the claimant was transferred to the fixed department, there were times the employer assigned him to work in the DBA area. The work in the DBA area required the claimant to bend over at the waist. Until the spring of 2010, the employer did not usually assign the claimant to work in the DBA area. Initially, the claimant got down on his hands and knees to do the work in the DBA area. This job required him to put handles on boxes.

In the spring of 2010, the employer started assigning the claimant to work in the DBA area more frequently. On May 1 and 8, when the claimant worked overtime, the employer assigned him to work in the DBA area his entire shift.

In late May 2010, the claimant talked to his contact manager, a human resource representative, and the coordinator about the work the employer assigned him to do. During this discussion, the claimant explained the work the employer had been assigning him to do violated his work restrictions. Since the work restriction was from 2006, the employer asked the claimant to provide the employer with a current statement from his physician about any work restrictions he had. The claimant agreed to do this when he had his next doctor's appointment. As a result of this conversation, the claimant understood he had this issue resolved with his manager.

On June 8, when his manager was not at work, the claimant's coordinator assigned the claimant to work in the DBA for two consecutive rotations. The claimant understood that, in accordance with the employer's policy, supervisors did not assign employees to work the same job for two consecutive rotations. The claimant could work one rotation in the DBA area for two hours, but he could not work two consecutive rotations or four hours at the same job. When the coordinator assigned the claimant to work at the same DBA job for two rotations, the claimant did not say anything because he did not respect the coordinator and the coordinator had been at the late May meeting.

After the claimant completed the first rotation on June 8, he punched out and left work. The claimant turned in his ID badge when he left work early. On June 14, the claimant talked to Chauncey Behm, the production manager, and told him why he left. The claimant told him that if his manager had been at work on June 8, he probably would not have walked out. The claimant also told Behm that he quit because he had had enough.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1-a. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2. The law presumes a claimant quits with good cause when he leaves because of intolerable or detrimental working conditions. 871 IAC 24.26(4).

The claimant's testimony must be given more weight than the employer's reliance on hearsay information from employees who did not testify at the hearing. A preponderance of the evidence establishes the claimant quit in part because his coordinator assigned him a job that he knew violated the claimant's work restrictions. Two weeks before, the coordinator had been in a meeting where the claimant explained that working a specific job violated his work restrictions and he could not work that job two consecutive rotations as he had been previously assigned to do. As a result of the meeting, the claimant believed he had resolved his concerns with his manager. When the manager was not at work, the coordinator assigned the claimant to work a job that violated his work restriction and assigned him to work two consecutive rotations at this job. Instead of talking to the coordinator, the claimant quit because he had already talked to the coordinator, who knew about the claimant's work restrictions.

Since the coordinator did not testify at the hearing, it is not known why he assigned the claimant to job that he knew or should have known violated the claimant's work restrictions. Even though the claimant's work restriction was old, the employer did not give him a deadline in which to provide a current work restriction. Based on the evidence, the coordinator's decision to assign the claimant to a job that he knew violated the claimant's work restriction establishes that the claimant voluntarily quit his employment for a reason that qualifies him to receive benefits. Therefore, as of June 20, 2010, the claimant is qualified to receive benefits.

DECISION:

The representative's August 10, 2010 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that qualify him to receive benefits. As of June 20, 2010, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw