

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN M STUART
Claimant

APPEAL NO. 12A-UI-04705-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PROGRESSIVE PROCESSING LLC
Employer

**OC: 04/17/11
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Kevin Stuart, filed an appeal from a decision dated April 23, 2012, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on May 16, 2012. The claimant participated on his own behalf. The employer, Progressive Processing, participated by Human Resources Manager Mary Tauger and Production Supervisor Paramjit Sandhu.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Kevin Stuart was employed by Progressive Processing from September 27, 2010 until March 21, 2012 as a full-time blender. On Thursday, March 15, 2012, the claimant was ill at work and asked Production Supervisor Paramjit Sandhu if he could take PTO and go home. Mr. Sandhu said he could not take PTO as the company rules forbid an employee from taking PTO unless there was approval from a supervisor at least 24 hours in advance.

Mr. Stuart went home and went to the doctor. He worked the next day, Friday, March 16, but was absent on Saturday, March 17, 2012, although he did call in. On Monday, March 19, 2012, he notified Mr. Sandhu he was quitting and Friday would be his last day. He elected to make his resignation effective on Wednesday, March 21, 2012, because he felt there were “too many people” in the production area. This was due to some trainees who were learning the job to take over from Mr. Stuart.

The claimant quit because he did not want to continue working for a company which refused to let him take PTO when he was sick.

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.

The claimant maintains he quit because his supervisor refused to let him go home when he was ill. This is not the case. The supervisor refused to let him take PTO for the absence because approval had not been granted at least 24 hours in advance as required by company policy. The claimant was free to go home, which he did without any negative consequences.

The record establishes the claimant quit because he was displeased the supervisor would not violate company rules for him. This does not constitute good cause attributable to the employer and the claimant is disqualified.

DECISION:

The representative's decision of April 23, 2012, reference 02, is affirmed. Kevin Stuart is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs