

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GREGORY S KAUFFMAN

Claimant

APPEAL NO: 06A-UI-11503-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP

Employer

**OC: 04/09/06 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Gregory S. Kaufman (claimant) appealed a representative's November 29, 2006 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Cargill Meat Solutions Corporation (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 14, 2006. The claimant participated in the hearing. Erica Waldvogel, a human resource associate, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer on May 16, 2006. The claimant worked full time skinning picnics. Brad Fischer was the claimant's supervisor.

During his employment, foremen talked to the claimant and his co-workers about their failure to work fast enough. The claimant disagreed that he was not working fast enough and blamed other employees for slowing down production. On August 17, the employer gave the claimant and his co-workers a verbal warning for failing to work fast enough.

Although the claimant and others went to the human resource department to complain about foremen reprimanding them and yelling at them for not working fast enough, the employer has no record of such a complaint. The claimant did not file a written complaint. The employer knew of no grievance the claimant filed with his union.

After a foreman again told the claimant that if he could not do the work he needed to quit, the claimant finally decided to quit this employment. The claimant informed the employer he was quitting effective immediately on October 27, 2006. The claimant quit because he concluded managers, two foremen, harassed him by reprimanding him for not working fast enough. When the claimant completed the employer's exit interview on November 3, he did not provide the employer with any reason for quitting.

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 section 96.5-1. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code section 96.6-2.

The law presumes a claimant quits without good cause when he leaves employment after being reprimanded. 871 IAC 24.25(28). The claimant did not like being reprimanded, but no one does. A reprimand does not constitute harassment. The evidence does not indicate the claimant filed a written complaint or that the claimant's union filed a complaint or grievance on the claimant's behalf. These factors further support the conclusions the managers reprimanded but did not harass the claimant. The evidence shows the claimant quit his employment for compelling reasons, but those reasons do not qualify him to receive unemployment insurance benefits. As of November 5, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's November 29, 2006 decision (reference 03) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 5, 2006. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs