

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARIC D HECKART
Claimant

APPEAL NO. 08A-UCX-00007-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP
Employer

OC: 08/24/08 R: 03
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Aric Heckart filed an appeal from a representative's decision dated December 11, 2008, reference 01, which denied benefits based upon his separation from Cargill Meat Solutions Corporation. After due notice was issued, a hearing was held by telephone on December 23, 2008. Mr. Heckart participated personally. The employer participated by Sarah James, assistant human resource manager.

ISSUE:

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant worked for this employer from May 12, 2008, until July 8, 2008, when he voluntarily quit employment for health reasons. Mr. Heckart was employed as a full-time production worker and was paid by the hour. His immediate supervisor was Mr. David Rios.

The claimant quit his employment with Cargill Meat Solutions on July 8, 2008, when he became ill at work and was unable to continue working. The claimant had experienced problems in working in the sub-zero working area where he had been assigned and had requested on numerous occasions to be moved to a warmer area for health reasons. Mr. Heckart visited his doctor about his health condition and was instructed to leave employment if Mr. Heckart believed that the work conditions were not improving. When the claimant was informed that the company would be unable to move him, as he had not been an employee long enough, and his health condition worsened, the claimant decided to follow his doctor's advice and make the decision to quit employment. The claimant left work after he became ill and could no longer work during the work shift on July 8, 2008.

It is the employer's policy to attempt to accommodate workers who need to be transferred to a warmer work area for health reasons.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Mr. Heckart quit employment for reasons attributable to the employer. It does.

The evidence in the record establishes that Mr. Heckart began to experience significant health problems after being assigned to work in a sub-zero area of the employer's production facility. Mr. Heckart followed a reasonable course of action by requesting to be transferred to a warmer work area for health reasons. Although the company has a policy to accommodate workers' health needs when possible, the claimant was not moved to a warmer work area but was required to continue working in the sub-zero production area. Mr. Heckart visited his doctor and was instructed by his physician that Mr. Heckart should make a decision to quit if he felt that the work environment was not improving. When the claimant continued to become ill at work and a transfer to a different work area was not available to him, the claimant quit employment.

In this matter, Mr. Heckart participated personally and provided sworn, firsthand testimony. In contrast, the evidence in support of the employer's position is primarily hearsay in nature. While hearsay evidence is admissible in administrative proceedings, it cannot be accorded the same weight as sworn, direct testimony. Based upon the evidence in the record, the administrative law judge concludes that Mr. Heckart voluntarily quit employment due to detrimental working conditions. The claimant's leaving, therefore, was attributable to the employer.

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.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

DECISION:

The representative's decision dated December 11, 2008, reference 01, is reversed. The claimant voluntarily quit work for reasons attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw