

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ZUMRETA DURAKOVIC Claimant TYSON FRESH MEATS INC Employer	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 08A-UI-06111-CT ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 06/01/08 R: 03 Claimant: Appellant (1)</div>
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Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Zumreta Durakovic filed an appeal from a representative's decision dated June 26, 2008, reference 01, which denied benefits based on her separation from Tyson Fresh Meats, Inc. (Tyson). After due notice was issued, a hearing was held by telephone on July 17, 2008. Ms. Durakovic participated personally. The employer responded to the notice of hearing but the designated witness was not available at the number provided at the scheduled time of the hearing. The employer did not have anyone available to participate. Samir Dzaferagic participated as the interpreter.

ISSUE:

At issue in this matter is whether Ms. Durakovic was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Durakovic was employed by Tyson from September 11, 1997 until May 29, 2008. She was last employed full time in packaging. A coworker was assigned to bring materials to her work station as needed. The coworker did not always bring supplies to Ms. Durakovic as required. On those occasions, Ms. Durakovic had to go upstairs to get them for herself. The person who was supposed to get them would then tell the supervisor that Ms. Durakovic was taking extra breaks. This problem occurred approximately one time each month and began in January or February of 2008. Ms. Durakovic was not disciplined as a result of the reports that she was taking extra breaks.

Ms. Durakovic was off work on medical leave for approximately two months and returned to work on or about May 22, 2008. She worked two days after her return and then notified her supervisor on May 24 that she was quitting. She quit because she had to get her own supplies during the two days she worked after returning from medical leave. Ms. Durakovic spoke to someone in human resources on May 29 and confirmed her decision to quit. She never threatened to quit because of the actions of her coworker.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Durakovic quit because a coworker would not get supplies for her as required. It appears that Ms. Durakovic did not object to getting her own supplies. What she did object to was the coworker telling the supervisor that she was taking extra breaks when she went to get her own supplies. However, the supervisor never disciplined Ms. Durakovic based on the reports of the coworker.

Ms. Durakovic testified that the problems with the coworker began in January or February of 2008. She also testified that she had not been disciplined for taking too many breaks in 2008. Therefore, even though the coworker may have been giving the supervisor misinformation, the misinformation was not being used against Ms. Durakovic. Moreover, the problem occurred only once a month. Under the circumstances, the administrative law judge concludes that the problem was not such that it constituted good cause attributable to the employer for quitting.

For the reasons stated herein, the administrative law judge concludes that good cause attributable to the employer has not been established. Therefore, benefits are denied.

DECISION:

The representative's decision dated June 26, 2008, reference 01, is hereby affirmed. Ms. Durakovic quit her employment with Tyson for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs