

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORLINO T GATLUAK
Claimant

APPEAL NO. 09A-UI-05176-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY
Employer

**Original Claim: 04/13/08
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Corlino Gatluak filed an appeal from a representative's decision dated March 30, 2009, reference 02, which denied benefits based on his separation from Swift & Company. After due notice was issued, a hearing was held by telephone on April 30, 2009. Mr. Gatluak participated personally. The employer participated by Tonya Box, Human Resources Assistant.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Gatluak began working for Swift on June 23, 2008 as a full-time production laborer. He was assigned to a job trimming bones from bellies. He worked the same job until February 19, 2009.

On February 19, Mr. Gatluak was moved to a different position boning loins. He said he did not want to perform the job unless he was provided a trainer. The supervisor demonstrated how to perform the job, but Mr. Gatluak still wanted a trainer to work with him. The employer would have continued to work with him until he became familiar with the job but was not going to assign him a trainer. The job he had been performing prior to February 19 required the use of a knife, as did the job he was placed in on February 19. Mr. Gatluak left rather than perform the assigned work.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that Mr. Gatluak initiated his separation from Swift when he refused to perform the work assigned to him. He had the choice of performing the job in loin boning or leaving. He chose to leave. An individual who 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). Having taken the position that he was discharged, Mr. Gatluak did not offer any reason he would quit.

Mr. Gatluak quit rather than perform the assigned work. Under such circumstances, the separation is presumed to be without good cause attributable to the employer. 871 IAC 24.25(27). The administrative law judge appreciates that the employer was changing Mr. Gatluak's job as of February 19. However, he did not "own" the job he had been working. It was not unreasonable for the employer to move him to a position where his services were needed. He did not cite any policy or union provision that prevented the employer from changing his job assignment. Although he had not been trained on the new job, the administrative law judge is not inclined to believe the employer would allow him to work in loin boning without some amount of training. He had been working with a knife, so there should not have been any safety issues related to the work in loin boning.

After considering all of the evidence, the administrative law judge concludes that Mr. Gatluak's separation was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated March 30, 2009, reference 02, is hereby affirmed as to result. Mr. Gatluak left his employment with Swift for no good cause attributable to the employer. Benefits are withheld until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw