

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

INGRID N MORAN
Claimant

APPEAL NO. 10A-UI-14169-JT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SHELBY COUNTY COOKERS LLC
Employer

OC: 09/12/10
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 11, 2010, reference 01, decision that denied benefits. After due notice was issued, and in-person hearing was held on November 17, 2010. Claimant participated. Jesus Colunga represented the employer and presented additional testimony through B.A. Dorsey. Exhibits One through Six were received into evidence.

ISSUE:

Whether the claimant voluntarily quit for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Ingrid Moran was employed by Shelby County Cookers as a full-time food production worker from September 2009 until September 14, 2010, when she voluntarily quit because she did not want to wear a hair net. The lightweight, sheer hairnet was meant to be worn over the worker's entire head. There was an opening for the worker's eyes and the worker's nose. The hairnet did not in any way impede the claimant's ability to breathe. The purpose of the hairnet was to better ensure food safety by keeping foreign objects, hair, out of the finished product.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no

longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The weight of the evidence in the record establishes that the claimant voluntarily quit because she did not want to wear a hairnet. The hairnet did not in any way impede her ability to breathe, despite her assertions to the contrary. The employer reasonably expected her to wear the hairnet to better ensure food safety and quality by preventing foreign objects, hair, from falling into the finished product.

The claimant voluntarily quit the employment without good cause attributable to the employer. Accordingly, the claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to the claimant.

DECISION:

The Agency representative's October 11, 2010, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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