

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**YURI F RAMIREZ
2019 INGLESIDE AVE
SIOUX CITY IA 51104**

**NOR-AM COLD STORAGE INC
1555 – 21ST ST SW
LE MARS IA 51031-8773**

**Appeal Number: 05A-UI-12028-CT
OC: 10/30/05 R: 01
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Yuri Ramirez filed an appeal from a representative's decision dated November 21, 2005, reference 01, which denied benefits based on his separation from Nor-Am Cold Storage, Inc. After due notice was issued, a hearing was held by telephone on December 15, 2005. Mr. Ramirez participated personally. The employer participated by Tami Schau, Human Resources, and Terry Lancaster Operations Manager.

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. Ramirez began working for Nor-Am Cold

Storage, Inc. on November 22, 2004 as a full-time pallet jack driver. He voluntarily quit by walking off the job on October 29, 2005.

Mr. Ramirez' job was to check pallets of product brought to him and his partner by another individual, Robert. After the product was checked, Mr. Ramirez and his partner would shrink-wrap it and place in a refrigerated area from which it was loaded onto trucks. Robert would deliver product to the two based on written paperwork received from the office. Mr. Ramirez felt Robert was overloading him with work to the extent that he and his partner were unable to keep up. He felt Robert should have assisted the two of them with moving product into the refrigerated area.

On October 29, Terry Lancaster called Mr. Ramirez and his partner into the office to question why they were behind. They indicated that Robert was bringing more product than they could handle and was not helping them move it to the next area. Mr. Lancaster spoke to Robert about the matter. After the conversation, Robert went to assist the two but they told him to go away.

The employee handbook provided to Mr. Ramirez advised that the employer had an "open-door" policy for employees to address concerns. Mr. Ramirez did not utilize the chain of command to address any work-related concerns after speaking with Mr. Lancaster. Continued work would have been available if he had not quit.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Ramirez was separated from employment for any disqualifying reason. 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). Mr. Ramirez quit because of the amount of work he was expected to do and the fact that he could not keep up. He felt the problem could be resolved by having Robert assist him and his partner. He brought this to the attention of management and the matter was addressed with Robert. Robert then attempted to assist Mr. Ramirez and his partner but, they declined his help. Robert was pulling orders to meet the demands of what needed to be shipped. The employer may not have been able to meet its production needs if fewer orders were pulled by Robert in order to accommodate Mr. Ramirez and his partner. It does not appear that the employer was asking any more of Mr. Ramirez than of others in the same job classification.

The employer attempted to address and resolve the problem that caused Mr. Ramirez to quit. Since the evidence fails to establish any good cause attributable to the employer, he is not entitled to job insurance benefits.

DECISION:

The representative's decision dated November 21, 2005, reference 01, is hereby affirmed. Mr. Ramirez voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/kjf