

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NYANDENG C ATEM

Claimant

APPEAL NO. 07A-UI-04979-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC

Employer

**OC: 04/15/07 R: 02
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated May 4, 2007, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on May 29, 2007. The claimant participated. Participating on behalf of the claimant was paralegal James Hamilton. The employer participated by Terry Carmichael, Employment 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 considered all of the evidence in the record, finds that: The claimant worked for this employer from February 28, 2005 until February 2, 2007, when she voluntarily quit her employment. Ms. Atem worked as a production worker on a full-time basis and was paid by the hour. The claimant left her employment when her supervisor repeatedly refused to assign her to light-duty work although he had been instructed to do so by the company nurse due to injury that the claimant had sustained. The claimant followed a reasonable course of action by repeatedly complaining to management and the union regarding the supervisor's failure to follow medical instructions. In spite of the complaints, the claimant's supervisor continued to assign her to work that was beyond her physical capabilities due to her medical condition causing the claimant to quit her employment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes based upon the evidence in the record that the claimant voluntarily left employment for reasons that were attributable to the employer when the claimant's supervisor repeatedly refused to assign her to light-duty work although he had been medically instructed to do so. The evidence establishes that Ms. Atem followed a reasonable course of action by repeatedly complaining to management, to the union and to the company's human resource department before leaving. The claimant left her employment when the

employer continued to violate medical instructions causing the claimant to potentially exacerbate her medical condition.

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.

For the reasons stated herein the administrative law judge finds that the claimant voluntarily quit work for reasons that were attributable to the employer. Benefits are allowed, providing the claimant is otherwise eligible.

DECISION:

The representative's decision dated May 4, 2007, reference 01, is hereby affirmed. The claimant voluntarily quit work for reasons attributable to the employer and is eligible to receive unemployment insurance benefits, provided that she meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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