

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

STEVEN R JOHNSON
Claimant

APPEAL NO: 18A-UI-00148-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY
Employer

OC: 12/03/17
Claimant: Appellant (1-R)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the January 3, 2018, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on January 26, 2018. The claimant participated in the hearing. The employer provided a phone number prior to the hearing but was not available at that number when called for the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time laborer for Swift Pork Company from June 20, 2017 to July 3, 2017. He voluntarily left his employment because a chemical splashed on his face. He did not report the situation to the employer or seek medical care.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant was dissatisfied with his work environment, both the hours and the duties of the job. While he stated he was splashed with “acid” on his face and quit as a result of that incident, he did not mention that in either the fact-finding interview or his appeal letter, making his claim less credible and persuasive. The claimant originally stated he “just couldn’t do the job” and it is much more likely that was the reason he quit than a workplace accident that he did not report.

The claimant returned to his previous job with Dearborn Roofing after his separation from this employer but did not know he would return to that job at the time of his leaving Swift Pork Company. The claimant believes he has requalified for benefits since his separation from Swift Pork Company. That issue is remanded to the Claims Section.

DECISION:

The January 3, 2018, reference 02, decision is affirmed. The claimant voluntarily left his employment without 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 benefit amount, provided he is otherwise eligible. The issue of whether the claimant has requalified for benefits is remanded to the Claims Section.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn