

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTOPHER BAKER**  
Claimant

**APPEAL NO. 07A-UI-05929-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EMPLOYER'S SERVICE BUREAU INC**  
Employer

**OC: 05-20-07 R: 04  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.5-2-a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Christopher Baker filed an appeal from a representative's decision dated June 5, 2007, reference 01, which denied benefits based upon his separation from Employer's Service Bureau, Inc. After due notice was issued, a telephone conference hearing was scheduled for and conducted on June 28, 2007. Mr. Baker participated personally. The employer participated by Richard Rasenberger and Rick Gallentien.

**ISSUE:**

The issue in this matter is whether the claimant was discharged for misconduct in connection with his work or whether the claimant voluntarily left work for reasons that were 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: The claimant worked for this employer from October 2006 until May 15, 2007 when he voluntarily quit his work due to job dissatisfaction. Mr. Baker held the position of laborer/caser packer and was employed on a full time basis. The claimant was paid by the hour. His immediate supervisor was Rick Gallentien.

Mr. Baker left his employment on May 15, 2007 after another employee played a "prank" on the claimant by telling him that there were "rats" in a compactor that the claimant had been cleaning for sometime that day. Mr. Baker brought his concerns to the attention of Mr. Gallentien who was the supervisor in charge of that area. Mr. Gallentien reassured the claimant that there were no rats in the compactor and instructed the claimant and another worker assigned to the same task to continue. The claimant was informed that if he didn't want to perform his duties, he could "go home." The supervisor's intention was to inform the claimant that he was being given the choice of following the directive or relinquishing his job. Mr. Baker left. The following day he returned and was told he had no job based upon his actions the day before.

All employees hired in similar positions to the claimant's are hired as laborers and the company guarantees no specific job assignments. Mr. Baker worked a variety of job assignments while employed by this company.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes, based upon the evidence in the record, that Mr. Baker was given the alternative of following a work directive that was given to him by his immediate supervisor or leaving his job with the company. The evidence establishes that Mr. Baker, was reassured regarding his safety in performing the job duties by his supervisor and instructed to in effect, do the job or "go home." The administrative law judge finds that the intention of the supervisor's statement was clear, under the circumstances and the claimant's act of leaving the premises prior to the end of the work shift demonstrated to the employer the claimant's intention to relinquish his position with the company. The facts in this case establish that Mr. Baker had been provided misinformation by another worker who had told him that there were "rats" in the compactor. The claimant's supervisor, Mr. Gallentien, who was present and in charge of that area reassured the claimant that there were not rats and that the work was safe. He also made it clear that he expected the claimant to follow the work directive. The claimant was given the alternative of following the work directive or leaving employment. He chose to leave. Reasonable alternatives were available to Mr. Baker. He could complete the job, complain to other supervisors or go to human resources. Another worker who was assigned to perform the same duties continued and remained employed.

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 left work for reasons that were not attributable to the employer. Benefits are withheld.

**DECISION:**

The decision of the representative dated June 5, 2007, reference 01, is affirmed. The claimant left work for reasons that were not attributable to the employer. Benefits are withheld until such time as he has worked in and has been paid wages for insured work equal to ten times his weekly job insurance benefit amount providing that he is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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