

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANN M BUCHANAN
Claimant

APPEAL NO. 07A-UI-11162-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY
Employer

OC: 11/04/07 R: 02
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Swift & Company (employer) appealed a representative's November 26, 2007 decision (reference 01) that concluded Ann M. Buchanan (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 18, 2007. The claimant participated in the hearing. Tony Luse appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on November 18, 1998. She worked full time as a production employee in the employer's Marshalltown, Iowa, pork processing facility. Her last day of work was October 31, 2007. She voluntarily quit on that date.

The claimant had received an injury to her arm at the workplace several weeks prior to October 31. While she did not have any specific medical restrictions, the on-site medical staff had instructed the claimant to only do her regular job responsibilities. Normally, the claimant was only responsible for pulling the leaking bags that came through a bag sealing machine; normally, there would only be a small percentage of bags that would have to be pulled due to leaking. However, the machine had not been working properly for approximately six weeks prior to October 31, and the machine error rate had dramatically increased. The increase in errors meant a great increase in the bags the claimant needed to pull, causing further strain on her arm. The claimant had requested her supervisor to have the machine repaired; but as of October 31, no repair had occurred.

On October 31, the claimant's regular supervisor was not present; rather, his supervisor was responsible for the claimant's work area. The error rate on the machine that day was

approximately 67 percent. The claimant complained to the supervisor, who indicated there was nothing he could do. She requested that a large box be brought to her to assist her in handling the large volume of bags she needed to be pulling, but he declined. She advised him that she was being expected to handle too much and that if something were not done, she would quit; he responded that she should then leave, which she did.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer.

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.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The claimant has demonstrated that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. EAB, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). Benefits are allowed.

DECISION:

The representative's November 26, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw