

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JIM R SEAGO**  
Claimant

**KRAFT HEINZ FOODS COMPANY (LLC)**  
Employer

**APPEAL 21A-UI-19713-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/20/21**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quit from Employment

**STATEMENT OF THE CASE:**

On September 3, 2021, claimant Jim R. Seago filed an appeal from the August 24, 2021 (reference 02) unemployment insurance decision that denied benefits based on a determination that claimant voluntarily quit his employment. The parties were properly notified of the hearing. A telephonic hearing was held at 1:00 p.m. on Thursday, October 28, 2021. The claimant, Jim R. Seago, participated. The employer, Kraft Heinz Foods Company (L.L.C.), did not register a participant for the hearing and did not participate in the hearing.

**ISSUE:**

Did the claimant voluntarily quit 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: Claimant was employed full time, most recently as a maintenance tech 2, from October or November 2012 until March 16, 2021, when he quit his employment. Continued work was available, had claimant not quit.

Claimant last reported to work on March 10, 2021. He then called in sick on March 11 and March 12. Beginning with his scheduled shifts on March 16, 2021, claimant was a no-call/no-show for work. Claimant explained that he was upset about the employer not following its internal policies related to filling open positions according to seniority. These issues stem back to 2019.

On March 25, 2021, claimant mailed a letter to the employer's Human Resources department in Cedar Rapids. In his letter, claimant stated he believed he was going to "point out" under the attendance policy and wrote, "Surely, I have been terminated." Claimant also raised a number of his grievances related to the past issues with the employer failing to follow its own internal policies. The following day, the claimant received a letter from the employer inquiring about his status. This letter stated the employer had been unable to reach him, and it asked him to

contact Human Resources regarding his status and his ability to come back to work. Claimant did not contact the employer in response to this letter.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation was without good cause attributable to the employer. Benefits are withheld.

Iowa Code §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.

Iowa Admin. Code r. 871-24.25 provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(18) The claimant left because of a dislike of the shift worked.

(21) The claimant left because of dissatisfaction with the work environment.

Generally, when an individual mistakenly believes they are discharged from employment, but was not told so by the employer, and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer. *LaGrange v. Iowa Dep't of Job Serv.*, (No. 4-209/83-1081, Iowa Ct. App. filed June 26, 1984). Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

Here, the claimant ended his employment after years of frustration over the employer failing to properly follow its policies regarding moving employees up to first-shift positions. This was undoubtedly a frustrating experience for claimant to endure. However, the average employee in claimant's situation would not have felt similarly compelled to quit his employment given the circumstances.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant stopped reporting to work and ceased contact with the employer for a number of days. He then mailed a letter to the employer confirming his understanding that his employment had ended. The administrative law judge

finds that claimant separated from employment without good cause attributable to the employer. Benefits are withheld.

**DECISION:**

The August 24, 2021 (reference 02) unemployment insurance decision is affirmed. Claimant separated from 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.



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Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

November 15, 2021  
Decision Dated and Mailed

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