

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TYRELL D HOWARD
Claimant

APPEAL NO. 13A-UI-10206-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINNEBAGO INDUSTRIES
Employer

OC: 08/041/13
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Tyrell Howard, filed an appeal from a decision dated August 28, 2013, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on October 3, 2013. The claimant participated on his own behalf. The employer, Winnebago, participated by Personnel Supervisor Gary McCarthy, Production Supervisor Max Studer and Lead Person Marty Hjelle.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Tyrell Howard was employed by Winnebago from September 12, 2011 until July 16, 2013 as a full-time welder. At the time of hire he received a copy of the employee handbook as well as a revised version in September 2012. The policy considers it to be a voluntary quit if an employee walks off the job without notification to and authorization from a member of management.

On July 16, 2013, the claimant was scheduled to work 6:00 a.m. to 2:30 p.m. He walked off the job at 1:30 p.m. He maintained he needed to go home because he was not feeling well due to the fact he had forgotten his diabetes kit and did not have insulin.

The next day Mr. Howard returned to work and was stopped by security. Plant Manager Rich Honsey and Personnel Director Larry Kluckhohn interviewed him in the office. The claimant stated he had gotten permission from Lead Person Marty Hjelle to go home. The managers told Mr. Howard to wait and they interviewed Mr. Hjelle and Plant Supervisor Max Studer. Both stated they had not been asked for permission for the claimant to go home early.

Mr. Howard stated he had told Mr. Hjelle he had to go home and was told to “do what [you] have to do.” But the lead person does not have authority to grant permission for an employee to leave. The protocol would be for him to send the employee to Mr. Studer who can then give permission. Mr. Studer did not give permission for the claimant to leave early.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant is considered a voluntary quit due to walking off the job without permission. His assertion he had permission from the lead person is unsubstantiated, especially as the lead person does not have the authority to do so. Only the plant supervisor may allow an employee to leave before the end of the shift, and he was not consulted.

The record establishes the claimant is considered a voluntary quit for job abandonment. He is disqualified.

DECISION:

The representative's decision of August 28, 2013, reference 01, is affirmed. Tyrell Howard is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css