

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LILLIAN PHILPOTT
Claimant

APPEAL NO: 07A-UI-10429-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRACO A THREE RIVERS
Employer

OC: 12/10/07 R: 01
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Lillian Philpott (claimant) appealed an unemployment insurance decision dated November 8, 2007, reference 03, which held that she was not eligible for unemployment insurance benefits because she voluntarily quit her employment with Traco A Three Rivers (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 29, 2007. The claimant participated in the hearing. The employer participated through MaryLou Friedman, Human Resources Manager. 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:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time production worker from January 9, 2006 through October 19, 2007. She worked the night shift on which there were only approximately nine full-time and ten temporary employees. All the employees on that shift are required to be flexible and must learn the other jobs as it is common to switch jobs every night. The claimant felt the night supervisor was harassing her because he was "constantly riding" her and switching her jobs. He had her work on the end of the line position which is where she started when she began her employment. She saw that other employees were just "standing around" or so she thought they were and mentioned it to the supervisor. The supervisor reportedly told her that if she did not keep her "mouth shut", she would be there permanently. Approximately four days later, the claimant was told she was moving to that position and she refused. She spoke to the human resources manager on October 16, 2007 and was told the manager would speak to her supervisor. The claimant never mentioned any threat made by the supervisor until the Appeal Hearing so the human resources manager was unaware of that allegation. The claimant stopped reporting to work after that and the human resources manager

contacted her to advise her that the supervisor could put her anywhere he wanted to put her. The claimant could have bid into a different job on a different shift but opted not to do that. She previously bid on a saw job and received the promotion and increase in pay but never actually worked in that position. This was more than likely due to the fact that the corporate office changed products shortly thereafter and no longer needed anyone in that position. The claimant never made any previous complaints to the employer about her supervisor.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code section 96.5-1.

The claimant voluntarily quit on October 19, 2007 because she did not want to be moved into a different job. However, all employees working on the night shift had to be flexible since it was a small crew and employees had to be moved around. The employer has the right to allocate its personnel in accordance with its needs and available resources. Brandi v. IDJS, (Unpublished, Iowa App. 1986).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code section 96.6-2. She has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated November 8, 2007, reference 03, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs