

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GELCHU GURRACHA
Claimant

APPEAL NO: 14A-UI-02237-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS ENTERPRISES INC
Employer

OC: 02/02/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(27) – Job Refusal

STATEMENT OF THE CASE:

The claimant appealed a department decision dated February 24, 2014, reference 01, that held he voluntarily quit employment without good cause on January 27, 2014, and benefits are denied. A telephone hearing was held on March 31, 2014. The claimant, and Interpreter, Michael Behrane, participated. Frank Eckert, Representative, and Justin Dodge, Supervisor, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant began production work on March 4, 2013, and last worked for the employer as a full-time production employee in the freezer area on January 27, 2014. The claimant had moved from one production job to the second floor on June 6, 2013.

A supervisor requested claimant to move to the north-south track area on January 27, 2014. He had performed some work in this area before. Claimant refused to move to the job stating he lacked training. Claimant approached supervisor Dodge about the matter. Claimant refused to move to the north-south track job though Dodge said he would be paid the same and it was production work. The claimant's employment is covered by a union contract with the employer. Production jobs are covered by this contract. This contract provides for a union grievance if an employee has an issue with his job. There is no union grievance in this manner.

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.

871 IAC 24.25(21) 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:

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

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on January 27, 2014 due to a job refusal.

Claimant contends he quit due to harassment. He considered the employer moving him as harassment. He could offer no specific incident that was harassment.

The employer has the right to move production employees about its facility as needed. Claimant knew about the north-south track job because he worked there. Claimant could not offer what training he needed to do the job. He did not like the job but this is not a good cause attributable to the employer for quitting. Unless a production employee can establish that one production job is substantially different than another, a job refusal move with a voluntary quit is without good cause.

DECISION:

The department decision dated February 24, 2014, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on January 27, 2014. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css