

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOTHOAL G JOCK
Claimant

APPEAL NO. 09A-UI-04336-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY
Employer

**Original Claim: 02-15-09
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 11, 2009, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on April 14, 2009. The claimant did participate. The employer did participate through Aaron Vawter, Human Resources Coordinator.

ISSUE:

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a production worker, full-time, beginning July 14, 2008, through February 11, 2009, when he voluntarily quit.

The claimant was assigned by his supervisor to work next to another employee with whom he had a personality conflict. The claimant told his supervisor he refused to work next to that employee. The claimant, his supervisor and a union representative met with Aaron Vawter in Mr. Vawter's office. The claimant would not disclose any of the details of his problem with the coworker, nor would he allow Mr. Vawter to bring the coworker into the office so that Mr. Vawter could attempt to solve their personality conflict. The claimant refused to continue working at his assigned job on his shift due to a personality conflict with a coworker. If the claimant had been willing to continue working, continued work was available to him.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without 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 24.25(6) and (27) provide:

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:

(6) The claimant left as a result of an inability to work with other employees.

(27) The claimant left rather than perform the assigned work as instructed.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

The employer has the right to allocate its personnel in accordance with its needs and available resources. The claimant was not allowed to pick and choose whom he would and would not work next to. It was his obligation to work where the supervisor assigned him to work. The claimant would not provide the employer with any details as to the problem he was having nor would he even meet with the other coworker and the supervisor and union representative. Under these circumstances, the administrative law judge concludes the claimant's leaving was without good cause attributable to the employer and benefits are denied.

DECISION:

The March 11, 2009, reference 01, decision is affirmed. The claimant voluntarily left his 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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw