

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

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Appeal Number: 06A-UI-02957-SWT
OC: 02/19/06 R: 01
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 7, 2006, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 3, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Steve Joyce participated in the hearing on behalf of the employer with a witness, Rick Birkhofer.

FINDINGS OF FACT:

The claimant worked full time as a storeroom clerk from April 29, 2002, to February 14, 2006. His supervisor was Mike Tomoson.

The claimant became upset on February 14 because he had heard secondhand that someone had written a letter critical of employees in his department insinuating they did not know what

they were doing. He told Tomoson that he was not returning to work until he had heard from the plant manager, Dan Paquin. Tomoson tried to convince the claimant to come back to work but he refused to come back until he had talked to Paquin.

Tomoson's supervisor, Rick Birkhofer, also called the claimant and encouraged him to come back to work but the claimant did not want to talk to Birkhofer and insisted Paquin call him. Paquin never called, and the claimant never returned to work. The claimant never attempted to meet with Paquin at work. By not returning to work, the claimant voluntarily left employment

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit 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.

The reason the claimant left employment was because he wanted the plant manager to contact him so he could talk to him about the letter he had been told was critical of his department. This does not meet the standard of intolerable and detrimental working conditions or establish other good cause under the statute. If the claimant's supervisors were happy with the claimant's job performance, which they were, it is difficult to understand why he became concerned about a letter that was not sent to him that had no effect on him or his job. It was unreasonable for him to demand that the plant manager initiate a call to him before he returned to work.

DECISION:

The unemployment insurance decision dated March 7, 2006, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

saw/tjc