

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**BRITTANY M WOELLERT**  
Claimant

**APPEAL NO. 18A-UI-01317-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**OC: 01/07/18**  
**Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Brittany Woellert filed a timely appeal from the January 24, 2018, reference 01, decision that disqualified her for benefits and that relieved the employer's account of liability for benefits, based on the Benefits Bureau deputy's conclusion that Ms. Woellert voluntarily quit on January 2, 2018 without good cause attributable to the employer. After due notice was issued, a hearing was held on February 22, 2018. Ms. Woellert participated. Cathleen Mayes represented the employer. Exhibit A was received into evidence.

**ISSUE:**

Whether Ms. Woellert's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Brittany Woellert was employed by Tyson Fresh Meats, Inc. as a full-time production worker from January 2017 until January 2, 2018, when she voluntarily quit. Ms. Woellert quit in response to being assessed, at least initially, an attendance point for an absence that she believed the employer should have excused. On December 18, 2017, Ms. Woellert, a union steward, and the general supervisor met for the purpose of determining whether an attendance point would be assessed to Ms. Woellert in connection with recent absence. That absence had occurred when a company nurse had sent Ms. Woellert home for the day. Ms. Woellert left the December 18 meeting under the belief that she had received an attendance point. However, the employer removed the proposed attendance point from her attendance record. On January 2, 2018, Ms. Woellert notified the employer that she was quitting the employment effective immediately. Ms. Woellert appeared at the workplace and completed exit interview paperwork to formalize her voluntary quit. Prior to January 2, 2018, Ms. Woellert had nine attendance points.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d 213 (Iowa 2005).

The evidence in the record establishes a voluntary quit that was without good cause attributable to the employer. Ms. Woellert's disagreement with the employer's assessment of an attendance point did not rise to the level of an intolerable and detrimental working condition that would have prompted a reasonable person to leave the employment. Ms. Woellert is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount. Ms. Woellert must meet all other eligibility requirements. The employer's account shall not be charged.

**DECISION:**

The January 24, 2018, reference 01, decision is affirmed. The claimant voluntarily quit the employment on January 2, 2018 without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs