

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-01383-SWT
OC: 11/27/05 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 February 1, 2006, reference 07, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 21, 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.

FINDINGS OF FACT:

The claimant worked for the employer as a production worker from December 19, 2005, to January 9, 2006. The claimant went to the nurse's office because he hand hurt and he wanted some ice. His supervisor approached him in the cafeteria while he was icing his hand and asked how he was doing. The claimant told his supervisor that his hand still was hurting. The

supervisor told the claimant that he should finish up what he was doing and go home. The supervisor said that he should stop by the personnel office the next day.

The claimant mistakenly believed that his supervisor was telling him he was discharged when he was sent home and told to report to personnel the next day. No one told the claimant that he was discharged. The supervisor did not intend to discharge the claimant when he told him to go home and stop at personnel the next day and did not say anything about the claimant's employment being terminated. The claimant never reported back to work afterward.

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 evidence fails to establish that the claimant was discharged from his employment. Instead, the claimant voluntarily left employment because he mistakenly assumed that he was being discharged. That assumption, however, was unreasonable considering the fact that the supervisor never gave any indication that the claimant was being discharged.

DECISION:

The unemployment insurance decision dated February 1, 2006, reference 07, 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/s