

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEREK R BAKER**  
Claimant

**APPEAL NO. 07A-UI-06357-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KPS MIDWEST INC**  
Employer

**OC: 05/27/07 R: 02  
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Derek Baker filed an appeal from a representative's decision dated June 14, 2007, reference 01, which denied benefits based on his separation from KPS Midwest, Inc. (KPS). After due notice was issued, a hearing was held by telephone on July 12, 2007. Mr. Baker participated personally. The employer participated by Brenda Patrick, Pharmacist, and Renee Petrie, Human Resources Coordinator.

**ISSUE:**

At issue in this matter is whether Mr. Baker was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Baker was employed by KPS from August 1, 2006 until June 1, 2007. He worked for the predecessor owner beginning December 1, 2004 and was still in the employment when the business was acquired by KPS on August 1, 2006. He was employed full time as a pharmacy technician. The employer operates a pharmacy for long-term care facilities. Mr. Baker worked as an order filler. He voluntarily quit the employment because of changes made by the new owners.

If a care facility resident dies or is discharged, unused medicines are returned to KPS so they can be destroyed or a credit given to the facility. The containers of medications have to be sorted. The new owners added additional steps to the process, doubling or tripling the amount of time it took to complete the sort and enter the information in the computer.

On February 1, Mr. Baker was moved to a new building as part of the employer merging the old business with KPS' other operations. He found the room he had to work in to be too small. The room was approximately 12 feet by 35 feet. Six people were assigned to the room. He also found that he had difficulty locating items in the new location. Things were fairly chaotic after the move. As part of the merger, the employer had plans to upgrade the computer systems by the end of June of 2007. At the end of May, it was determined that a different type of label

would be used until the new computer system was in place. The size and configuration of the new labels added time to the process.

The employer usually processes orders for USA Healthcare on Fridays. On June 1, Mr. Baker was told to paper clip the labels to orders and a new label would be generated later. This step added time to an already hectic day. Mr. Baker found the amount of work to be overwhelming and, therefore, left the employment. He had not threatened to quit because of the problems at work. Continued work would have been available if Mr. Baker had not quit.

### **REASONING AND CONCLUSIONS OF LAW:**

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Baker quit because of changes that occurred when new owners took over the business. The new owners changed the process for handling returned medications. Although the process took more time than the process the former owners used, the new owners were attempting to integrate the old system with the one already used by KPS. The employer was aware the new system took longer. Mr. Baker was not given a deadline by which the sorting was to be completed each day. He was only expected to work on the process until it was completed. Mr. Baker was able to complete his work with minimal overtime. Overtime was not mandatory. He was only expected to work his normal shift and to perform the amount of work he could during that time.

The employer was intending to roll out a new computer system for labeling medications. The labels being used in the interim were unwieldy and added time to the process. This was only going to be a temporary procedure until the new system was available at the end of June. Again, Mr. Baker was only expected to perform what he could during his eight-hour shift. The temporary labeling system was apparently more of a problem on Fridays because of the large order for USA Healthcare. This too was a temporary situation that would be resolved when the new labeling system became available.

The merging of two businesses is bound to result in some changes in the way work is performed. The employees of one company have to become accustomed to the way things are done with the new employer, depending on whose system is adopted. Moving employees into a new building is also likely to create chaos for a period following the move. Employees have to learn where things are stored in the new building. The changes Mr. Baker experienced were of the type to be expected with the merger of businesses and a relocation to new quarters. The problem with the labels was one that would have been resolved when the new computer system became available at the end of June.

The administrative law judge has considered the evidence and the contentions of the parties. Mr. Baker's primary complaint appears to be the amount of time the new processes were taking. However, as stated earlier, he was not expected to do any more than he could during his shift. The other issues he raised resulted from the transition necessitated by the merger. Mr. Baker never put the employer on notice that there were work-related problems that needed to be resolved in order for him to remain in the employment. Therefore, he deprived the employer of the opportunity to address and possibly resolve his concerns. The problems he identified were not such that he was justified in quitting without first giving the employer an opportunity to remedy them. Inasmuch as the employer was not given a fair opportunity to try to salvage the employment relationship, it is concluded that Mr. Baker did not have good cause attributable to the employer for quitting. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated June 14, 2007, reference 01, is hereby affirmed. Mr. Baker quit his employment for no 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 job insurance benefit amount, provided he satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw