

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL A KEIL
Claimant

KRAFT HEINZ FOODS COMPANY LLC
Employer

APPEAL 21A-UI-22405-DZ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/22/21
Claimant: Appellant (1)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Michael A Keil, the claimant/appellant filed an appeal from the October 1, 2021 (reference 02) unemployment insurance decision that denied benefits based on an August 22, 2021 voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on November 30, 2021. Mr. Keil participated and testified. The employer did not participate in the hearing.

ISSUE:

Did Mr. Keil voluntarily quit without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Keil began working for the employer in 2019. He worked as a full inject/tumble project worker. His last day working was August 22, 2021.

Mr. Keil had been absent for about one month. Mr. Keil provided a doctor's note for these absences. Mr. Keil returned to work and was absent again for several days. Mr. Keil did not provide a doctor's note for these absences. Mr. Keil had applied for Family Medical Leave Act (FMLA) leave. However, his doctor did not provide the necessary paperwork so his application was not approved.

On August 24, Mr. Keil met with the employer about his attendance. A representative from Mr. Keil's union was present at the meeting. Mr. Keil told the employer that he was missing work so often because he was overwhelmed due to being overworked. The employer was understaffed and wanted Mr. Keil to continue to meet the same performance metrics. Mr. Keil also told the employer that his work environment was hostile. At the end of the meeting, the employer told Mr. Keil that the employer would call him within 24 hours to let him know if he still had a job.

Mr. Keil was scheduled to work on August 25. Before his shift began, Mr. Keil's union representative called him and told him that the representative had talked with the employer and

his employment was terminated. Mr. Keil did not contact the employer and the employer did not contact Mr. Keil. Mr. Keil did not return to work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Keil's separation from employment was 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.

Iowa Admin. Code r. 871-24.25 provides:

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:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

(20) The claimant left for compelling personal reasons; however, the period of absence exceeded ten working days.

(28) The claimant left after being reprimanded.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

In this case, Mr. Keil ending his employment in the August 24 meeting, the employer told Mr. Keil that the employer would call him about his job status. The employer did not tell Mr. Keil that his employment was over; Mr. Keil's union representative did so. Mr. Keil did not contact the employer to confirm that he did not have a job. He stopped attending work. While Mr. Kiel's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The October 1, 2021, (reference 02) unemployment insurance decision is affirmed. Mr. Keil 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.



Daniel Zeno
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January 6, 2022
Decision Dated and Mailed

dz/kmj