

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY LAFFOON
Claimant

APPEAL NO: 11A-UI-10114-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT PORK COMPANY
Employer

OC: 07-03-11
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the July 22, 2011, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 24, 2011. The claimant participated in the hearing. Auralliano Diaz, Acting Human Resources Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time traffic manager for Swift Pork Company from February 1, 2010 to July 5, 2011. The claimant's male supervisor was having a personal relationship with a female employee and the supervisor pulled the claimant and other crew members off their crew to do the female employee's work on a daily basis. The claimant spoke to human resources about the situation several times, as well as the plant manager and general manager, but the supervisor and female employee's behavior, involving the claimant and his other crew members, continued. The employer discussed a transfer to its Greeley, Colorado, corporate office with the claimant and he was scheduled to fly out there June 29, 2011, to meet with the employer about another job opportunity with the company. On June 28, 2011, the corporate head of human resources was at the Marshalltown plant and talked to the claimant about his move to Greeley and during the conversation mentioned it would be a lateral move for the claimant rather than a promotion. The claimant decided a lateral move would not be worth relocating his family to Colorado. Later that afternoon he talked to the plant manager and told him if he had to continue to report to or work with his current supervisor he could not stay any longer and the employer asked him to think about it and return to work July 5, 2011. The plant manager asked the claimant if he made a decision on that date and the claimant asked if the employer was going to move him to a different area. When the plant manager explained there

were no other jobs available for the claimant he went to human resources and offered his two-week notice but was told that under the circumstances it was best if he leave immediately.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment with good cause attributable to the employer.

Iowa Code § 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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6-2. The claimant and other crew members were being ordered to do the work of the female employee who had a relationship with his supervisor. This situation placed the claimant in an untenable position in that he either had to follow his supervisor's instructions to help the female employee in a relationship with the supervisor, which was not part of his job description, or face disciplinary action. These conditions interfered with the claimant's ability to do his own job and also placed him in an uncomfortable personal and employment situation. Under these circumstances the administrative law judge concludes the claimant has established that his leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are allowed.

DECISION:

The July 22, 2011, reference 01, decision is affirmed. The claimant voluntarily left his employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs