

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTIAN GUERRERO

Claimant

OSKALOOSA FOOD PROD CORP

Employer

APPEAL NO: 13A-UI-09948-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/28/13

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 21, 2013, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 26, 2013. The claimant participated in the hearing. Joyce Wilson, Human Resources Manager, participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

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 production worker for Oskaloosa Food Production from March 30, 2012 to July 12, 2013. He voluntarily left his position to seek a specific job in Las Vegas and because he felt harassed by his supervisor.

On July 12, 2013, the claimant turned in an exit interview stating he was leaving his employment because he was trying to get the opportunity for a better job (Employer's Exhibit One). The claimant did go to Las Vegas for approximately one week but did not get the job he was interested in and could not find any others in the area while he was there so he returned to Iowa.

The other reason cited by the claimant for his decision to voluntarily end his employment involved harassment from his supervisor. The claimant stated his supervisor on third shift was supposed to be training him on different areas of the job but repeatedly called him stupid or an idiot when he was asking questions about how to perform various tasks. On July 3, 2013, the claimant went to Human Resources and Joyce Wilson, Human Resources Manager, met with him, listened to his concerns and stayed late to send an email to the employer detailing the situation. Consequently, the claimant was moved to the second shift with a different supervisor. That did not satisfy the claimant, however, because he did not feel his new supervisor was

available to him to the extent he wanted or needed because he had to cover several plants, and consequently he did proceed with his decision to quit his job and go to Las Vegas to try to get hired by the other company he had heard was paying good wages.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his 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.

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 section 96.6-2.

Given the fact that by the time the claimant quit his job he had already been moved to second shift and away from the supervisor that was causing him problems and that he wanted to go to Las Vegas to check on a better paying job prospect, the administrative law judge must conclude the claimant has not demonstrated that his leaving was due to unlawful, intolerable or detrimental working conditions as those terms are defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The August 21, 2013, reference 02, decision is affirmed. The claimant 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css