

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TOAN D NGUYEN
Claimant

APPEAL NO. 08A-UI-08079-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

**OC: 07/06/08 R: 03
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 9, 2008, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on September 24, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. The employer stated it was not participating in the hearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as a production worker for about seven years. His last day of work was April 26, 2008.

Each production line was supposed to have two saw operators to handle the production demands. During the months leading up to his leaving employment, the claimant often was required to do his job by himself. Despite being understaffed, the line operated at the same speed, which meant the claimant was required to do the same work as two saw operators. He was constantly being criticized for mistakes by his supervisor, which made working conditions intolerable. He complained to management about the staffing problems but nothing was done to correct the situation. On April 26, 2008, the claimant again was called into his supervisor's office after he had problems handling the speed of the line. The supervisor complained again about the claimant's errors. This frustrated the claimant and he informed the supervisor that he was quitting.

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.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The evidence shows the claimant voluntarily quit employment due to intolerable and detrimental working conditions, he complained about the conditions, and the employer did not correct the problems. He had good cause attributable to the employer to quit.

DECISION:

The unemployment insurance decision dated September 9, 2008, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css