

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**MEGAN L SCHULTZ**  
Claimant

**APPEAL NO: 20A-UI-00205-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEABOARD TRIUMPH FOODS LLC**  
Employer

**OC: 12/08/19**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving  
Section 96-6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 23, 2019, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on January 28, 2020. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing. Department's Exhibit D-1 was admitted into evidence.

**ISSUE:**

The issues are whether the claimant's appeal is timely and whether the claimant voluntarily left her 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: A disqualification decision was mailed to the claimant's last known address of record on December 23, 2019. The claimant did not receive the decision because the Department did not include her PO Box in her address. The claimant called the Department January 6, 2020 and was told of the decision and filed her appeal that day. Because the claimant did not receive the decision before the due date and appealed as soon as she became aware of it, the administrative law judge finds the claimant's appeal is timely.

The claimant was employed as a full-time custodian for Seaboard Triumph Foods from October 22, 2017 to December 4, 2019. The employer is a pork plant. The claimant's job involved cleaning the inside of the building. She cleaned the regular area recruiting, main halls, human resources, and the upstairs training rooms. She had never been asked to clean the rendering area. The claimant was just starting to get over the flu. She was off work and had provided the employer with doctor's notes about her illness. The employee just below the claimant's boss assigned her to work in rendering and the claimant explained she could not do so without getting sick again. Then her boss told her she had to go to rendering and the claimant went to human resources and turned in her keys because she knew she could not work in rendering without getting ill.

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

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

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The claimant had never been directed to clean rendering before and given the fact she had just returned to work from having the stomach flu and was certain she was going to vomit if forced to clean rendering for the first time under those conditions, the administrative law judge finds the employer's actions created an intolerable and detrimental working condition for the claimant. Therefore, benefits must be allowed.

## **DECISION:**

The December 23, 2019, reference 01, decision is reversed. The claimant's appeal is timely. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn