

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDRE HUGHES
Claimant

APPEAL NO. 07A-UI-09837-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KRAFT PIZZA CO
Employer

**OC: 09/09/07 R: 04
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Andre Hughes (claimant) appealed a representative's October 17, 2007 decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Kraft Pizza Company (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 6, 2007. The claimant participated in the hearing. Jodi Martin, a plant staffing specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on August 16, 2006. The claimant worked full time in production on the weekend shift. The supervisor the claimant had when he started relocated to another plant prior to the claimant's employment separation. The claimant talked to this supervisor about problems he had with line 2 employees. The claimant usually worked on line 3, but was sometimes assigned to line 2. The claimant did not like working on line 2 because the employees on this line were rude and made racial comments that offended the claimant. The claimant understood his supervisor would address his concerns. The employer has no record that the claimant reported problems any problems when he worked on line 2.

The claimant did not always work line 2, but periodically the employer assigned him to this line. Prior to September 7, the employer assigned the claimant to work on line 2 more frequently than in the past. On September 7, the claimant was assigned to line 2. The claimant talked to the scheduler, D.L., and asked her to assign him to line 3. The claimant did not like the way D.L. smirked at him and told him jobs were assigned based on seniority. D.L., an hourly employee, did not appear bothered when the claimant reported how line 2 employees made racial

comments at work. Based on the D.L.'s rudeness and unprofessional demeanor, the claimant walked off the job after being at work for two hours. The claimant did not see his supervisor when he left work at 6:00 a.m. The claimant did not see anyone in the human resource department when he left work and he did not wait for anyone in the human resource department to talk to.

After the claimant had an opportunity to calm down, he tried using his card to reenter the facility. The claimant was unable to do this because his card had been deactivated when the employer learned he had walked off the job. The claimant did not later attempt to talk to anyone in human resources about why he left work early or tell them about the way co-workers, including D.L., treated him.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant voluntarily quit on September 20 when he walked off the job without authorization. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits employment with good cause if he leaves employment because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The law also presumes a claimant voluntarily quits employment without good cause when he leaves employment because he does not like the work environment or leaves instead of performing the work assigned to him. 871 IAC 24.25(21) and (27).

The claimant had problems working with line 2 employees. Although the claimant asserted he previously complained about racial comments and derogatory comments made by line 2 employees, the facts do not support this assertion. The fact an hourly employee smirked when the claimant complained about working on line 2 or was rude to him does not amount to intolerable or detrimental working conditions. The evidence indicates the claimant became upset when he was assigned to work on line 2 and the scheduler would not reassign him to line 3. The scheduler may have even been rude to the claimant, but this isolated incident does not rise to the level of work-connected misconduct. When the claimant walked off the job without talking to his supervisor or anyone in management, he quit. The facts do not establish that the claimant quit his employment for reasons that qualify him to receive unemployment insurance benefits. Therefore, as of September 9, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's October 17, 2007 decision (reference 03) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment

insurance benefits as of September 9, 2007. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css