

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GREG G BECKFORD
Claimant

APPEAL NO. 08A-UI-00461-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

**OC: 12/16/07 R: 01
Claimant: Appellant (1)**

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Greg Beckford, filed an appeal from a decision dated January 9, 2008, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 29, 2008. The claimant participated on his own behalf. The employer, Tyson, participated by Director of Human Resources Lonny Jepsen.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Greg Beckford was employed by Tyson from November 13, 2006 until November 26, 2007, as a full-time maintenance mechanic. On November 23, 2007, the claimant received a written warning and three-day suspension for violating a safety policy. The first safety violation is given a written warning and three-day suspension and the second results in discharge.

He served the suspension and returned to work on November 26, 2007, and immediately notified Maintenance Supervisor Todd Allen he was quitting because “it was going to happen again.”

REASONING AND CONCLUSIONS OF LAW:

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 24.25(28) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(28) The claimant left after being reprimanded.

The claimant quit because he had been given a disciplinary suspension for violation of a safety rule. His concern was that he knew he would violate the rule again and be discharged under the company policy. However, whether to obey the safety policies was entirely within his control and his declaration he would continue to violate the safety rule and be discharged as a result is not good cause of quitting. Under the provisions of the above Administrative Code section, a quit due to receiving a reprimand is a resignation without good cause attributable to the employer. The claimant is disqualified.

DECISION:

The representative's decision of January 9, 2008, reference 01, is affirmed. Greg Beckford is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css