

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY B ROBERTS
Claimant

APPEAL NO. 13A-UI-07975-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LANCE PRIVATE BRANDS LLC
Employer

OC: 06/02/13
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jeffrey Roberts filed a timely appeal from the June 24, 2013, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 13, 2013. Mr. Roberts participated. Karen Taylor represented the employer. Exhibit One was received into evidence.

ISSUE:

Whether Mr. Roberts' voluntary quit was for good cause attributable to the employer. It was not.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jeffrey Roberts was employed by Lance Private Brands, L.L.C., as a full-time Machine Tech Level 2 until June 4, 2013, when he voluntarily quit. On May 23, 2013, Mr. Roberts provided the employer with written notice that he would be quitting the employment effective June 15, 2013 because he was moving. The employer accepted Mr. Roberts' resignation. Mr. Roberts' plans to move were not imminent. While Mr. Roberts told the employer he was leaving because he was moving, he had decided to leave the employment and look for something better. Mr. Roberts thought that some of his coworkers were immature and felt that he got blamed for production line problems that were not his fault. Mr. Roberts had not accepted new employment at the time of the resignation or at the time he separated from the employment.

On June 4, 2013, the employer met with Mr. Roberts for the purpose of discussing with him some issues with the production line. The employer wanted Mr. Roberts to cease sitting on a stool while he performed his line production work and for him to hit a buzzer to alert the downstream oven operator if there was a problem with the dough heading that way. The employer told Mr. Roberts that the employer was *not* terminating the employment at that point, but that there would be further discussion about his work performance. Mr. Robert refused to sign the document the employer had prepared.

Mr. Roberts did not return to work after June 4, 2013. At the time Mr. Roberts separated from the employment, the employer continued to have work for him.

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(2), (6), (21), (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:

(2) The claimant moved to a different locality.

(6) The claimant left as a result of an inability to work with other employees.

(21) The claimant left because of dissatisfaction with the work environment.

(28) The claimant left after being reprimanded.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The weight of the evidence indicates that Mr. Roberts submitted his resignation due to dissatisfaction with the work and work environment and with the expectation that he would be moving with his family in the near future. Mr. Roberts' quit was based in part on his opinion that some of his coworkers were immature and his belief that he got blamed for production problems that he did not see as his fault. When Mr. Roberts spoke of his concerns during the hearing, he spoke mostly in general terms, aside from the reference to a substantial amount of dough being wasted when it fell off the production line. The weight of the evidence suggests there is more to the story and that the employer was not unreasonable in meeting with Mr. Roberts to discuss its concern about his contribution to the production issues or the need to improve. In any event, the concerns Mr. Roberts raised about the workplace during the hearing did not amount to intolerable or detrimental working conditions. The weight of the evidence indicates that Mr. Roberts decided to move up his quit date in immediate response to the employer's decision

to issue a reprimand to him. Mr. Roberts voluntarily quit the employment without good cause attributable to the employer. Accordingly, Mr. Roberts is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits.

DECISION:

The agency representative's June 24, 2013, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs