

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BOBBIE J TROTTER
Claimant

TYSON PREPARED FOODS INC
Employer

APPEAL 16A-UI-09826-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/14/16
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Bobbie J. Trotter (claimant) filed an appeal from the August 30, 2016, (reference 01) unemployment insurance decision that denied benefits based upon the determination she voluntarily quit work by retiring which is not a good cause reason attributable to Tyson Prepared Foods, Inc. (employer). The parties were properly notified about the hearing. A telephone hearing was held on September 26, 2016. The claimant participated personally. The employer participated through Human Resources Manager Azucena Saavedra.

ISSUE:

Did the claimant voluntarily quit the 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: The claimant was employed full-time as a Stuffer Assistant beginning on November 3, 2005, and was separated from employment on March 24, 2016, when she quit. In her job, the claimant was responsible for 13 tasks as well as checking meat that had not been stuffed properly into casings or was flawed. In January 2016, the employer increased the Stuffers' production requirements which increased the amount of meat the claimant was required to check.

On the shift that began the afternoon of March 24, 2016, the claimant was told there had been an issue with some of the meat. She was going to be required to check an additional 300 pounds of meat two to three times per shift. The claimant told her supervisor Yadi that she needed help with that job. He told her that she could handle it and told her to go back to the line. The claimant reiterated she could not do it and said if he would not give her any help then she had no choice but to quit. She then turned in her badge and left.

The claimant had never been told by the employer that her work was unsatisfactory. The one time thread was found in the meat she had checked, the employer told her about it but expressed understanding that mistakes were occasionally going to happen.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits based upon wages credited from this employer's account are denied.

Iowa law disqualifies individuals who voluntarily quit their employment without good cause attributable to the employer from receiving unemployment insurance benefits. Iowa Code § 96.5(1). A claimant is considered to have quit without good cause attributable to the employer if she left rather than performed the assigned work as instructed or if she left because she believed her job performance did not meet the employer's expectations provided the employer had not requested she leave and continuing work was available. Iowa Admin. Code r. 871-24.25(27) and (33).

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). The claimant's decision to quit because she did not agree with the supervisor about her work assignment or her ability to complete her work to the employer's satisfaction are not good cause reasons attributable to the employer. Accordingly, benefits are denied.

DECISION:

The August 30, 2016, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits based upon wages credited from this employer's account are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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