

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHERINE L PAULUS

Claimant

APPEAL NO. 07A-UI-10537-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARGILL MEAT SOLUTIONS CORP

Employer

**OC: 10/21/07 R: 03
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Katherine Paulus filed an appeal from a representative's decision dated November 13, 2007, reference 01, which denied benefits based on her separation from Cargill Meat Solutions Corporation (Cargill). After due notice was issued, a hearing was held by telephone on December 3, 2007. Ms. Paulus participated personally. The employer participated by Misty Larson, Accounting Manager, and Laurie Elliott, Human Resources Associate.

ISSUE:

At issue in this matter is whether Ms. Paulus was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Paulus was employed by Cargill from December 26, 2006 until October 24, 2007 as a full-time procurement clerk. At the time of separation, she was being cross-trained to perform another's individual's job for occasions on which that person was absent. Ms. Paulus was in her fifth week of training and was having difficulty performing a certain task that was to be performed first thing in the morning.

The task Ms. Paulus was having difficulty with involved completing the insurance process for damaged hogs. She had to input information into the computer and use a ten-key adding machine to determine the amount of each claim. The process should take no more than two hours, but it was sometimes taking Ms. Paulus the entire day. She was verbally admonished that she needed to complete the work more efficiently. The supervisor met with her on October 22 and gave her a final written warning. She was told that she had until that coming Friday, October 26, to reach the point whereby she could complete the process by noon each day. If she was able to do that, then she would move to the next phase of learning the other individual's job. If she did not demonstrate the ability to complete the process by noon each day, she would be discharged.

The employer intended to review Ms. Paulus' work on October 29 and make a determination at that point concerning her future with Cargill. Ms. Paulus took October 23 off as a vacation day. She called her supervisor on October 24 and asked to take the remainder of the week off as vacation. Ms. Paulus did not feel she would be able to meet the employer's standards and felt her employment would end on October 29. She did not want to work the remainder of the week knowing that she would not have a job after October 29. The employer would not allow her to take vacation through October 26 and, therefore, she quit on October 24, 2007.

REASONING AND CONCLUSIONS OF LAW:

Ms. Paulus quit her employment at Cargill on October 24. Although her continued employment was in jeopardy, no decision had been made about her continued employment when she decided to quit. The employer would have made a decision on October 29, but Ms. Paulus preempted the employer by quitting before that date. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

Ms. Paulus quit because she anticipated she would be fired on October 29. Her resignation was not requested by the employer. She had four days after October 22 in which to work on improving her work in the area of processing insurance claims. Rather than make efforts to improve her work, Ms. Paulus decided that she could not meet the employer's standards and was unwilling to make the effort to try. She may well have been discharged if she had continued in the employment. However, that decision was up to the employer. The administrative law judge concludes that Ms. Paulus quit after being reprimanded. An individual who leaves employment under such circumstances is presumed to have quit for no good cause attributable to the employer. See 871 IAC 24.25(28). For the reasons stated herein, benefits are denied.

DECISION:

The representative's decision dated November 13, 2007, reference 01, is hereby affirmed. Ms. Paulus quit her employment with Cargill for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw