

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**DEWAYNE L MOYE  
1811 LOCKE AVE  
WATERLOO IA 50702**

**TYSON FRESH MEATS INC  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283**

**Appeal Number: 04A-UI-09779-DWT  
OC: 08/08/04 R: 03  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

DeWayne L. Moye (claimant) appealed a representative's September 3, 2004 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Tyson Fresh Meats, Inc. (employer) would not be charged because the claimant quit 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 October 4, 2004. The claimant participated in the hearing. Dave Duncan, the complex personnel manager, 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 employer hired the claimant to work as a full-time forklift operator on May 11, 2004. The first two weeks of the claimant's employment, he worked with a trainer. On June 4, a trainer asked the claimant if he had any questions or concerns. The claimant did not indicate any problems.

Although other employees did not have any problems with line supervisor L., the claimant did not communicate effectively with L. and found him very difficult to work under. The claimant reported problems between he and L. to his supervisor and a union representative. The claimant did not see any improvement in the way in which L. treated him and the employer did not tell him what if any action was being taken.

In early June, the claimant received information from another employer that the claimant would be interviewed for a job with this second employer in a short time. On June 10, 2004, the claimant quit his employment. The claimant informed the employer he was quitting because he had another job even though he had not been offered any other job.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The claimant quit his employment on June 10, 2004. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant has quit for reasons that do not qualify him if he quits because he has a personality conflict with a supervisor. 871 IAC 24.25(21). If, however, a claimant quits because of intolerable or detrimental working conditions, the law presumes he has quit for qualifying reasons. 871 IAC 24.26(4).

The first two weeks on the job, the claimant worked with a trainer. Even though the claimant may not have gotten along with a line supervisor, the claimant did not give the employer an opportunity to address problems he may have had with this individual. At the very most, any problems between the line supervisor and the claimant occurred within the last two weeks of the claimant's employment. Only after the claimant received information that another employer would be interviewing him in the near future, the claimant wanted to work for the other employer and quit. The claimant believed the other employer would hire him. Since the claimant had not been offered a job when he resigned, the facts do not establish the claimant quit for reasons that qualify him to receive unemployment insurance benefits. As of August 8, 2004, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 3, 2004 decision (reference 01) is affirmed. The claimant quit his employment for reasons that do not qualify him to receive unemployment insurance benefits.

The claimant is disqualified from receiving unemployment insurance benefits as of August 8, 2004. 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.

dlw/tjc