

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LINDA FLORKE**

Claimant

**APPEAL NO: 07A-UI-05311-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**

Employer

**OC: 04-29-07 R: 01  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the May 17, 2007, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 8, 2007. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

**ISSUE:**

The issue is whether the claimant voluntarily left her 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 as a full-time production worker for Tyson Fresh Meats from April 24, 2007 to April 27, 2007. The claimant was working for another employer when she applied for a dispatch position with Tyson. That position was filled but the Tyson representative told her there were several other positions available so the claimant applied but told the employer she would not accept a position where she was required to work with a knife. The employer again indicated there were several positions available and the claimant began training April 24, 2007. On April 27, 2007, she was given her job assignment as a knuckle trimmer, a position that required the use of a knife. The claimant told the employer she had specifically told them she would not accept a position where she would have to use a knife and the employer told her that was her assignment. The claimant spoke to the employer's human resources employment department and when her assignment was not changed she voluntarily left her job.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant specifically told the employer before she was hired that she did not want a position requiring her to work with a knife and the employer assured her it had several positions available and at least implied, if not promised, that the claimant would not have to work with a knife. Consequently, the claimant left her previous employer and accepted the job with Tyson. After her training period was completed she was assigned to trim knuckles with a knife and promptly left her new job. Because the claimant relied on erroneous information from the employer in deciding to leave her previous position, the administrative law judge concludes she has demonstrated that her leaving Tyson was due to intolerable and detrimental working conditions. Therefore, benefits are allowed.

**DECISION:**

The May 17, 2007, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs