

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REID A LANGE

Claimant

APPEAL NO: 11A-UI-00436-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NEW PIONEER FOOD CO-OP

Employer

OC: 12/12/10

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 4, 2011 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Ron Moore, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in September 2000. He worked as a full-time meat cutter. After the claimant was absent four months for medical reasons, he started receiving written warnings for attendance issues. The claimant believed the employer was trying to discharge him by giving him written warnings.

On December 10, 2010, the employer planned to give the claimant another written warning, but had no intention of discharging him. The December 10 written warning was not for an attendance issue. The claimant overheard his supervisor talking about setting up a time to meet with the claimant about a written warning. The claimant became upset about getting another written warning. He said he was leaving because he would not accept another written warning. The claimant assumed the employer intended to discharge him that day. Although his supervisor told the claimant to calm down and not do anything rash to jeopardize his job, the claimant walked off the job.

The next day, December 11, the claimant left a message for his supervisor apologizing for walking out and asking if he could return to work. The claimant's message indicated that while

he still intended to quit, he would give the employer a two-week notice. The claimant did not return to work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a.

Even though the employer was going to give the claimant a written warning, the warning was not for attendance issues. The employer had no intention of discharging the claimant on December 10, 2010. The evidence does not establish that the employer discharged the claimant. Instead, the claimant quit when he walked off the job on December 10, 2010. The fact the claimant later told his supervisor he would give the employer a two-week notice, but still planned to quit supports the conclusion the claimant quit his employment when he walked off the job on December 10, 2010.

When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2). The law presumes a claimant quits without good cause when he quits after being reprimanded. 871 IAC 24.25(28). The claimant made an incorrect conclusion when he assumed the employer planned to discharge him on December 10. The employer had no intention of discharging him. The employer only wanted to address an issue the claimant could correct. The claimant quit his employment for personal reasons, but he did not establish good cause for quitting. Therefore as of December 12, 2010, the claimant is not qualified to receive benefits.

DECISION:

The representative's January 4, 2011 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 12, 2010. 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.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw