

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VINCENT Z MOODY**  
Claimant

**APPEAL NO: 12A-UI-13343-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IA SEL FARMS INC**  
Employer

**OC: 10/14/12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 2, 2012 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Cathy Rieken, a human resource generalist, Steve Abram, Jeremy King and Jason Schaben 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 reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The employer hired the claimant to work as a full-time sow technician in June 2012. In August, the claimant transferred to and worked as a truck washer. King supervised him.

In mid-September the claimant noticed some safety concerns connected with a specific driver. The claimant talked to the driver about the safety issues he noticed. The driver became upset with the claimant. The driver told King he was going to or was thinking about quitting after he and the claimant engaged in a verbal confrontation.

On September 17 or 25, King talked to the claimant about the safety issues he had with a driver. The claimant explained that he was very safety conscious because he had relatives who had been hurt while driving. King then told the claimant that while he should note safety issues, he should report his concerns to King. It was not his responsibility to address any safety concerns with any driver. The claimant was upset and told King he would stay and work until the employer found a replacement. After the claimant made this comment, King understood the claimant had just quit. King contacted Abram and reported the problem between the claimant and a driver and that the claimant had resigned.

The next day the claimant talked to Abram. During his conversation with Abram, the claimant indicated he wanted to transfer. Abram told the claimant to contact the human resource

department about any transfer. The claimant did not contact the employer's human resource department after talking to Abram.

On October 1, the claimant was involved in a non-work-related motor vehicle accident. The claimant hurt his back. His work restrictions prevented him from working as a truck washer. After King learned the claimant was not able to perform the job duties of a truck washer, he hired contract truck washers to replace the claimant. Since the employer replaced the claimant, the employer told the claimant that when he was released to work, he could reapply for employment. The employer paid the claimant through October 3, 2012.

#### **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. After King told the claimant it was not the claimant's responsibility to talk to any driver about safety issues, the claimant told him that he would work until the employer replaced him. King's conclusion that the claimant had just quit was reasonable. The next day when the claimant talked to Abram, he may have realized what he said to King and told Abram he did not want to quit. Instead, he only wanted to transfer. Since neither King nor Abram could transfer the claimant to another job. Abram told the claimant to contact the employer's human resource department. Unfortunately, the claimant did not do this after he talked to Abram or before he hurt his back in a motor vehicle accident. The claimant's comment to King and his failure to contact the human resource department after King talked to him indicates the claimant voluntarily quit his employment.

After his accident, the claimant could not work as a truck washer. Since the claimant told King that his continued employment would end after the employer replaced him, when King hired contract truck washers to do the claimant's job the claimant's employment ended. While it is unfortunate that the claimant injured his back and was unable to continue working as a truck washer, King accepted his resignation.

The claimant did not establish that he quit for reasons qualifying him to receive benefits. As of October 14, 2012, the claimant is not qualified to receive benefits.

#### **DECISION:**

The representative's November 2, 2012 determination (reference 01) is affirmed. The claimant voluntary quit his employment when he told King he would work until the employer replaced him. The claimant established personal reasons for quitting, but he did not establish that he quit for reasons that qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 14, 2012. 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.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css