

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARMANDO C CORREA HERNANDEZ
Claimant

APPEAL NO. 10A-UI-08396-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRIPLE A TRANSFER
Employer

OC: 01/03/10
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Armando Hernandez filed an appeal from a representative's decision dated June 8, 2010, reference 01, which denied benefits based on his separation from Triple A Transfer. After due notice was issued, a hearing was held by telephone on July 29, 2010. Mr. Hernandez participated personally and offered additional testimony from Ofelia Correa. The employer participated by John Arkfeld, Partner.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Hernandez was employed by Triple A Transfer from July 6, 2009 until January 15, 2010. He was hired to work full-time as a truck driver. In October of 2009, he was told he would be working at least until harvesting was completed. The harvesting was completed on December 22 and Mr. Hernandez was offered continuing employment after the harvest.

On January 15, the employer met with Mr. Hernandez to discuss areas in which he needed to show improvement. Before the meeting could be completed, he announced that he was quitting. John Arkfeld followed him from the building to try to talk him out of quitting, but he refused to remain. Although work was sporadic at that time, continued work would have been available if Mr. Hernandez had not quit.

REASONING AND CONCLUSIONS OF LAW:

Mr. Hernandez was not laid off on January 15, 2010, he quit. An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Although work was slow at the time, Mr. Hernandez did not tell the employer he was quitting because of the low

number of hours. Moreover, he had been working a reduced workweek since December 17. He quit while the employer was addressing problems with his performance. Therefore, the administrative law judge concludes that he quit after being reprimanded. An individual who leaves employment after being reprimanded is presumed to have left without good cause attributable to the employer. 871 IAC 24.25(28).

Mr. Hernandez made several references to the fact that he was asked to shovel snow from a pile of corn. Removal of the snow was a necessary step in the process of drying the corn. The snow removal was at least one week before the separation. Mr. Hernandez remained in the employment in spite of the fact that he was asked to shovel snow.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Mr. Hernandez voluntarily quit his employment with Triple A Transfer for no good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated June 8, 2010, reference 01, is hereby affirmed. Mr. Hernandez quit his employment without good cause attributable to the employer. Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw