

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ADAM M CLAUSEN
Claimant

APPEAL NO. 09A-UI-02468-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

**Original Claim: 02/10/08
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Adam M. Clausen filed a timely appeal from an unemployment insurance decision dated February 13, 2009, reference 06, that disqualified him for benefits. After due notice was issued, a telephone hearing was held March 5, 2009 with Mr. Clausen participating. Freezer and Load Out General Manager Tim Milder participated for the employer, Tyson Fresh Meats, Inc.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Adam M. Clausen, now of Council Bluffs, was employed by Tyson Fresh Meats, Inc. in Columbus Junction, Iowa from July 15, 2008 until he walked off the job on January 28, 2009. He last worked as a loader and forklift operator. Mr. Clausen felt that he was being treated unfairly. On one occasion when he asked to work on a scheduled day off, he was denied because the employer did not have any work for him on that day. Other employees were allowed to work on other days off when work was available. Mr. Clausen had made a complaint about a supervisor named Jessie. The matter was referred to personnel, but personnel did not find that Jessie had behaved inappropriately. Company policy provides that if an individual is absent during the week, the individual will be scheduled for a Saturday shift. Mr. Clausen had been absent and had been told that he was scheduled to work the following Saturday. He did not show up and received three attendance points due to being absent without contact. The point assessment was consistent with company policy.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. An individual who leaves work because of dissatisfaction with the work environment or because of a personality conflict with a supervisor leaves work without good cause attributable to the employer according to 871 IAC 24.25(21) and (22). The evidence in the record persuades the administrative law judge that Mr. Clausen left work under circumstances contemplated by these rules. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated February 13, 2009, reference 06, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs