

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIEL MALUAL
Claimant

APPEAL NO: 09A-UI-11159-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FARMLAND FOODS INC
Employer

OC: 07/05/09
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Daniel Malual (claimant) appealed an unemployment insurance decision dated August 3, 2009, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Farmland Foods, Inc. (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 20, 2009. The claimant participated in the hearing. The employer participated through Becky Jacobsen, Human Resources Manager and Timbra Thies, Supervisor. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time production worker from December 5, 2005 through July 2, 2009 when he voluntarily quit his employment. On that date, the claimant's supervisor directed him to work at a different job and the claimant refused. The supervisor told the claimant he had to go to the new job but he refused again. He was advised if he continued to refuse the new job, he could be discharged. The claimant then responded, "Fine, then I quit." He was asked to turn in his badge, which he did and then he walked out of the facility.

When the employer discharges an employee, certain procedures must be followed in accordance with the union contract. The operations superintendent conducts the termination and the union steward and department supervisor must be present. The employee is then escorted off company premises. These did not happen with the claimant because he was not discharged.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980) and Peck v. Employment Appeal Bd., 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit by telling the employer he quit and he carried out that intent by turning in his badge and walking off the job.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden and benefits are denied.

DECISION:

The unemployment insurance decision dated August 3, 2009, reference 01, is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css