

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KEVIN O CREESE
Claimant

TYSON FRESH MEATS INC
Employer

APPEAL 15A-UI-06821-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/31/15
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 11, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on July 15, 2015. Claimant participated. Employer participated through Employment Manager, Eloisa Baumgartner.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a manifester from August 3, 1989, and was separated from employment on May 30, 2015, when he resigned.

Claimant came into work on May 30, 2015, and employer's workplace was total chaos. The employees on the previous shift left claimant's job area in disarray. Claimant often spent 20 minutes cleaning up his work area each morning before he could begin his workday. About one year earlier, claimant was assigned additional job duties because his co-worker was unable to properly complete the job. Claimant was doing more work than his co-workers, who often took extended breaks. Claimant complained about the unequal workload to his supervisors on numerous occasions, but the situation was never corrected.

On May 30, 2015, claimant decided he could tolerate the situation no longer and he resigned his employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

Although claimant did not have the advice of his physician to quit the employment, a reasonable lay person or employer would know that completing a disproportionate amount of the workload while co-workers take extended breaks, is very likely to create an intolerable strain on even an otherwise healthy worker's physical and mental health. In this case, claimant complained to supervisors on numerous occasions about the unequal workload. Nothing was done to correct the situation. Employer offered no evidence to contradict these facts. Thus, claimant has established good-cause reasons for leaving the employment.

DECISION:

The June 11, 2015, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible and the benefits withheld shall be paid.

Christine A. Louis
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Decision Dated and Mailed

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