

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN REID**  
Claimant

**APPEAL NO: 09A-UI-00071-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LETICA CORPORATION**  
Employer

**OC: 11/02/08 R: 04  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

John Reid (claimant) appealed an unemployment insurance decision dated December 29, 2008, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with Letica Corporation (employer) for work-related misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 15, 2009. The claimant participated in the hearing. The employer participated in the hearing through John Begalla, Plant Manager. 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 loader from July 27, 2007 through November 4, 2008 when he voluntarily quit. He contends he left work after his supervisor told him, "I'm gonna have to fire you, you're fired!" The employer has a progressive disciplinary policy which provides that after three written disciplinary warnings, employees are suspended pending an investigation. If the investigation warrants it, the employee is discharged and if not, the employee goes back to work. No individual employees, even the general manager, have the authority to discharge an employee without going through the corporate office.

The claimant previously worked for the employer from December 1, 2005 through September 25, 2006 when he was discharged per the employer's progressive disciplinary policy. After receiving two written warnings which he signed, he was called to the office on September 25, 2006 and given his third written warning. The employer suspended him pending an investigation. The claimant was called on September 28, 2006 and told he was being terminated due to careless workmanship. He was asked to come in the next day, when he

picked up his paycheck and signed a termination report. The claimant acknowledges that he received three written warnings and that he was called to the office to receive his final written warning, but claims he was fired in the office on September 25, 2006.

When the claimant was rehired, he went through orientation a second time, wherein the employer's progressive disciplinary policy was reviewed. Subsequently, the claimant received a written warning on April 30, 2008 and July 31, 2008. On November 4, 2008 when he arrived at work, his supervisor reprimanded him for loading errors the claimant had made on the previous day. He loaded a truck with the wrong products, which caused a customer complaint and extra freight costs to bring back the product and to send it back out. The claimant was verbally counseled and no warnings were issued. His supervisor went to a meeting at 10:00 a.m. that morning and the claimant clocked out at 10:03 a.m. without talking to anyone.

#### **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 section 96.5-1.

The claimant contends he was discharged but the evidence does not support that contention. 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 and acted to carry it out by walking off the job on November 4, 2008 after he was verbally counseled by his supervisor. The law presumes it is a quit without good cause attributable to the employer when an employee leaves because of a personality conflict with the supervisor or after being reprimanded. 871 IAC 24.25(22) and (28).

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

#### **DECISION:**

The unemployment insurance decision dated December 29, 2008, 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.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs