

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MOHAMED M HASSAN

Claimant

APPEAL NO: 13A-UI-06179-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AGRI STAR MEAT & POULTRY LLC

Employer

OC: 03/24/13

Claimant: Appellant (2)

Iowa Code § 96.5(2)a – Discharge

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's May 17, 2013 determination (reference 02) that disqualified him from receiving benefits because he had voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Laura Roney and Diane Guerrero appeared on the employer's behalf. Karim Allin interpreted the hearing. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in February 2010. The claimant worked full time.

On April 23, 2013, the employer's records indicate the claimant's supervisor asked the claimant to leave work early when his production line was finished. The claimant's supervisor reported that the claimant became upset. The employer called security to escort the claimant out of the employer's facility early on April 23.

The claimant went to the plant the next morning, but security would not allow him in to talk to anyone.

Guerrero called the claimant the morning of April 24, but had to leave a message. She wanted to talk to the claimant about the April 23 incident. When she could contact the claimant by phone, the employer asked a relative to give the claimant a message that the human resource department wanted to talk to the claimant. The claimant did not receive this message.

When the claimant did not return to work, the employer ended his employment on April 30, 2013. The claimant did not return to work because he understood he was discharged when he

had been escorted off the employer's property on April 23 and security would not allow him to enter the morning of April 24.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. Since the claimant's primary language is not English, he reasonably understood he was discharged when he was escorted from work on April 23 and then was not allowed back into the facility the next morning. Under the facts of this case, the claimant did not voluntarily quit. Instead, the employer discharged him for business reasons. Based on the claimant's reasonable understanding he had been discharged, he did not commit work-connected misconduct when he did not go back to work after April 24. As of April 21, when the claimant reopened his claim, he is qualified to receive benefits.

DECISION:

The representative's May 17, 2013 determination (reference 02) is reversed. The claimant did not voluntarily quit his employment. Instead, the employer discharged him for business reasons, but the claimant did not commit work-connected misconduct. As of April 21 when the claimant reopened his claim, he is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account remains subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css