

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TITUS L ELLIS
Claimant

APPEAL NO: 18A-UI-08132-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

VERSCHOOR MEATS INC
Employer

OC: 07/08/18
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Titus L. Ellis, the claimant, filed a timely appeal from a representative's unemployment insurance decision dated July 27, 2018, (reference 02) which denied unemployment insurance benefits, finding that the claimant voluntarily quit work on May 10, 2018, by refusing to continue working. After due notice was provided, an in-person hearing was held at the claimant's request in the Sioux City, Iowa on September 13, 2018. Although the claimant had requested an in-person hearing, he participated by telephone. The Employer participated in-person by Mr. Randy Hanson, Plant Manager and Mr. Gerardo Terrones, Plant Supervisor.

ISSUE:

The issue is whether the claimant left employment with good cause that was attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Titus Ellis was employed by Verschoor Meats, Inc. from August 4, 2017 until May 10, 2018 when he voluntarily quit employment by refusing to continue working and walking off the job. Mr. Ellis was employed as a full-time general laborer and was paid by the hour. His immediate supervisors were Mr. Hanson and Mr. Terrones.

On May 10, 2018, Mr. Ellis was instructed by both Mr. Hanson and Mr. Terrones to begin working that day on the company's kill floor. The claimant was warned that if he failed to follow the work-related directive or if he left work by walking off the job it would be considered a voluntary quit. Although the claimant had been warned, he nevertheless walked off the job.

Mr. Ellis had previously walked off the job and had been warned by the company. During the final incident he was specifically warned by both the plant supervisor and the plant manager that his failure to follow the work instruction and walking off the job would cause the claimant to lose his employment by quitting.

After the claimant had walked off the job without authorizing on May 10, 2018, he later attempted to return to work on three occasions thereafter, Mr. Ellis was informed that there was

no work for him because he had been separated from his employment due to walking off the job.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the evidence in the record establishes that the claimant voluntarily quit employment with good cause that was attributable to the employer. It does not.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 that the voluntary leaving was for good cause attributable to the employer.

In the case at hand, Mr. Ellis left his employment by walking off the job and refusing to follow reasonable work related directives that had been given to him by his employer that day. The evidence in the record establishes that Mr. Ellis was warned to prior to leaving that if he walked off, it would be considered to be a "voluntary quit". Mr. Ellis nonetheless chose to walk off the job prior to the end of the work shift and chose to not follow the work directives to report to the kill floor as directed. Mr. Ellis' job separation was by his own choice when he walked off the job after being warned.

The claimant has not established good cause attributable to the employer for leaving his employment. Accordingly, he is disqualified for unemployment insurance benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

DECISION:

The representative's unemployment insurance decision dated July 27, 2018, reference 02, is affirmed. Claimant voluntarily quit employment on May 10, 2018 without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Terry P. Nice
Administrative Law Judge

Decision Dated and Mailed

tn/scn