

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL E CRAFTON**  
Claimant

**APPEAL NO. 09A-UI-15981-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARGILL MEAT SOLUTIONS CORP**  
Employer

**Original Claim: 10/04/09  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated October 20, 2009, reference 01, which held the claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on November 30, 2009. The claimant participated. The employer participated by Alicia Alonzo, human resources generalist. The record consists of the testimony of Michael Crafton and the testimony of Alicia Alonzo.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant was a production worker for the employer at its plant in Ottumwa, Iowa. The claimant believes he started on January 18, 1999, whereas the employer's records indicate that he was hired on January 1, 1999. The claimant's last day of work was May 22, 2009. He was scheduled to work on May 26, 2009; May 27, 2009; and May 28, 2009. The claimant failed to report for work and did not call to report his absence as required by his employer's attendance policy. The claimant was considered to have abandoned his job and his separation was effective May 28, 2009.

The claimant had decided to quit his job based on an incident that occurred on September 9, 2008. A supervisor had touched the claimant on his shoulder and asked the claimant how he was doing. The claimant became very angry and told the supervisor not to touch him. He grabbed the supervisor by both arms and moved him to the side. This led to a three-day suspension for the claimant based on his inappropriate grabbing of the supervisor. The claimant waited to quit his job until after eye surgery in February 2009 and after he got in three weeks of paid vacation. The claimant decided to stop going to work and did not formally tell his employer that he was quitting.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The evidence established that the claimant intended to sever the employment relationship and did so by failing to come to work and failing to notify his employer after May 22, 2009. The claimant testified that he was going to quit, but he was waiting until he recovered from eye surgery and took three weeks of paid vacation. The claimant was angry that he had been touched by a supervisor and felt that he was harassed by that action. This incident took place back in September 2008; and as a result of the claimant's response to what appeared to be a friendly gesture, the claimant had been suspended for three days. Nothing else occurred between September 28, 2008 and the time the claimant quit that amounted to harassment.

The claimant has not produced sufficient evidence to show that there was on-the-job harassment that might constitute good cause attributable to the employer. The claimant decided to quit after his suspension back in September 2008 and simply waited for a time that was convenient for him to quit. Benefits are denied.

## DECISION:

The representative's decision dated October 20, 2009, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Vicki L. Seeck  
Administrative Law Judge

---

Decision Dated and Mailed

vls/kjw