

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN M JACOBY
Claimant

APPEAL NO: 12A-UI-12131-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

PIONEER HI-BRED INTERNATIONAL INC
Employer

OC: 10/01/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(21) – Dissatisfaction of the Work Environment
871 IAC 24.25(28) – Reprimand

STATEMENT OF THE CASE:

The claimant appealed a department decision dated October 1, 2012, reference 01, that held he voluntarily quit employment without good cause on September 13, 2012, and benefits are denied. A telephone hearing was held on December 26, 2012. The claimant, and Attorney Allan Richards, participated. Aaron Johnson, Plant Operations Manager, and Dean Upah, Production Coordinator, participated for the employer. Employer Exhibits 1 – 7 was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant began work on May 19, 1994 and last worked for the employer as a full-time production technician on September 13, 2012. The employer issued claimant a written warning on September 13 regarding job performance issues. The warning states his performance will be reviewed in the next 60 – 90 days and if sufficient progress has not been evidenced or on-going performance expectations are not met “this could result in termination of employment.”

The claimant provided the employer with a letter of complaint at the warning conference. He told the employer he was quitting and left work. He had experienced difficulty in getting accustomed to some new equipment to use with his forklift. The employer asked claimant to take the day off and reconsider. The claimant chose not to return to work.

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.

871 IAC 24.25(21) and (28) provide:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

(28) The claimant left after being reprimanded.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on September 13, 2012 due to job dissatisfaction and a written reprimand.

Claimant contends he was being terminated at the warning conference, but the evidence does not support it. The employer would not have proposed a 60 – 90 day work performance review unless it contemplated further employment. Could be terminated is in reference to the end of the review process.

A reasonable inference is the employer recognized claimant was experiencing some difficulty adjusting to the use of the new equipment with his forklift that is why it wanted to keep him as an employee. Claimant was given an opportunity to reflect on his decision to quit but chose not to do so. While work changes can be challenging for a long-term employee but they do not constitute good cause for quitting unless there is an extra ordinary circumstance. No such condition has been established in this matter.

DECISION:

The department decision dated October 1, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on September 13, 2012. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css