

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CARRIE L RICKMOND
19849 – 15TH ST
BLAKESBURG IA 52536

CARGILL MEAT SOLUTIONS CORP
c/o FRICK UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-06752-SWT
OC: 05/28/06 R: 03
Claimant: Respondent (5)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated June 19, 2006, reference 01, that concluded the claimant's discharge was not for work-connected misconduct. A telephone hearing was held on August 3, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Katie Diercks participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked as an insurance and benefit clerk for the employer from May 6, 2005 to June 1, 2006. On June 1, 2006, the claimant discovered that she had made an error due to a new format in the program she was using that caused about half the employees who were on vacation to not receive their vacation checks. She reported the error to the director of human resources, Tonya Teeters.

Teeters then accused the claimant of making a number of other mistakes in the past that she had never raised as problems before. When the claimant asked for specifics, Teeters did not respond. After she had worked on correcting the error, Teeters talked to the claimant again. She asked the claimant what she thought her punishment should be. The claimant told Teeters that she could not answer that question. Teeters then brought up some other errors the claimant had made by putting some deductions in the wrong column, some problems with the insurance company and another problem with some vacation checks. The claimant told Teeters she was being blamed for things that were not her fault. The claimant was sent home by Teeters to think things over.

Teeters told the claimant that she was going to put together a document detailing the errors she had made and in order for the claimant to keep her job, she would have to come in the next day, sign the document and agree that all the mistakes were her responsibility. The claimant tried to explain that she had proof that some things were not her fault, but Teeters would not accept that.

The claimant decided not to return to work because of Teeters' harsh treatment of her and because she thought it was unreasonable to make her sign that she agreed that everything Teeters had written down was her fault.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is disqualified as a result of the reasons for her separation from work.

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

The employer had not informed the claimant that she was being discharged. The claimant quit employment when she decided not to return to work. She quit work because she believed that the requirement of making her agree that all the mistakes identified by Teeters were her fault was unreasonable.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (4) The claimant left due to intolerable or detrimental working conditions.

The employer's requirement that for the claimant to keep her job she would have to sign a statement agreeing that a list of problems was her fault is unreasonable. An employer can require an employee to sign a warning or counseling to acknowledge receipt of the warning, but to require an employee to agree that she was at fault for matters that were not caused by the claimant is unreasonable and intolerable. Good cause attributable to the employer has been proven in this case.

DECISION:

The unemployment insurance decision dated June 19, 2006, reference 01, is modified with no change in the outcome. The claimant voluntarily quit employment with good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/cs