

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDY S YORK
Claimant

APPEAL NO. 09A-UI-11204-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS INC
Employer

OC: 12/07/08
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Randy York filed an appeal from a representative's decision dated July 29, 2009, reference 01, which denied benefits based on his separation from Tyson Fresh Meats, Inc. (Tyson). After due notice was issued, a hearing was held by telephone on September 14, 2009. Mr. York participated personally. The employer participated by Gabriela Moore, Community Relations Liaison.

ISSUE:

At issue in this matter is whether Mr. York was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. York was employed by Tyson from April 27 until June 19, 2009 as a full-time supervisor on the kill floor. He quit because of the long hours, the work environment, the inability to communicate with some of his workers, and the pay. Tyson expects supervisors to work from 12 to 13 hours each day. Mr. York was spending approximately 15 hours each day at work. Most of his additional time was spent completing necessary paperwork. The employer was paying him the amount agreed on at the time of hire.

Mr. York found that a large number of his subordinates were either Burmese or Hispanic. For the most part, he had to use an interpreter to communicate with them. The employer had a full-time interpreter for Hispanics and was in the process of hiring someone to interpret for Burmese employees. Mr. York found that it slowed the process when he had to involve an interpreter to communicate with his workers.

The primary reason Mr. York quit was the work environment. His work site was next to the "chit" room where entrails were cleaned. When the weather was warmer, the smell became worse. There was also more blood involved in the work than what he expected. He was not advised by a doctor to leave the employment.

Mr. York attempted to quit one month earlier but the employer showed him his production reports. He was told he had increased production and was doing a great job. Therefore, he decided to remain. The employer did not make any representations that there would be changes if he remained. Mr. York never indicated he might quit if certain work-related issues were not resolved. Continued work would have been available if he had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). For reasons that follow, it is concluded that Mr. York did not have good cause attributable to the employer for quitting Tyson. Although he had an issue with his pay, he was being paid the amount he agreed to accept. The fact that his wages would be less than what he had been making in a prior job was known to him at the time of hire. The fact that he was unhappy with his wages did not constitute good cause for quitting.

The administrative law judge appreciates that having to involve an interpreter to communicate with some of his workers was an inconvenience to Mr. York. It was unreasonable for him to expect an "English-only" workplace in an industry employing hundreds of individuals in relatively unskilled jobs. There is no doubt that Mr. York had long workdays. However, he was in the job for less than two months. This does not seem to be a sufficient enough amount of time in which to master the required paperwork so that it could take less of his time as he progressed.

It appears that the primary reason Mr. York quit was the offensive nature of the work environment. He worked on the kill floor where the animals were slaughtered. He knew or should have known that there would be blood and offensive odors associated with the process. He also knew or should have known that heat might intensify whatever odors existed. The fact that he found the work environment distasteful did not constitute good cause attributable to the employer for quitting.

Mr. York never put the employer on notice that there were work-related problems that might cause him to quit if not resolved. Therefore, he deprived the employer of the opportunity to try to correct situations, if possible. It is true that he attempted to quit one month before he did. However, he remained on after the employer told him what a great job he was doing. His decision to remain was not conditioned on the employer making any changes in either his work assignment or his work routine. For the reasons stated herein, it is concluded that Mr. York did not have good cause attributable to Tyson for quitting. As such, benefits are denied.

DECISION:

The representative's decision dated July 29, 2009, reference 01, is hereby affirmed. Mr. York voluntarily quit his employment with Tyson without good cause attributable to the employer.

Benefits are denied until he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

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