

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSHUA J SONNIER
Claimant

WESTAR FOODS INC
Employer

APPEAL 20A-UI-12026-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from the September 23, 2020 (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on November 23, 2020, at 8:00 a.m. Claimant participated. Employer participated through Jeff Oswald, Hearing Representative, and Beth Conn, General Manager. Claimant's Exhibits A – C were admitted.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time Shift Manager from January 14, 2020 until his employment with Westar Foods ended on July 20, 2020.

Claimant was absent from work without notice on July 5, 2020. Employer issued claimant a written warning on July 5, 2020 due to the no-call/no-show absence. The warning stated that future absences may lead to further disciplinary action up to and including termination of employment.

Claimant was absent from work on July 13, 2020 due to illness. Claimant notified employer prior to his shift that he would be absent. On July 13, 2020, claimant's coworker sent claimant a text message stating "You realize you don't have a job anymore right." (Exhibit C) This coworker (a personal friend of claimant's) was also a Shift Manager and did not have authority to terminate claimant's employment. Claimant did not contact employer and inquire about the status of his employment after receiving the text message from his coworker. Claimant believed that he had been discharged based upon his coworker's statement. Employer had not discharged claimant.

Claimant was scheduled but did not report to work for his shifts on July 14, 2020, July 16, 2020, July 18, 2020, July 19, 2020 or July 20, 2020. Employer considered claimant to have voluntarily quit. Employer had continuing work available for claimant.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit his employment without good cause attributable to employer. Benefits are denied.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

While the employer has the burden to establish the separation was a voluntary quitting of employment rather than a discharge, claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). Generally, when an individual mistakenly believes they are discharged from employment but was not told so by the employer, and they discontinue reporting for work, the separation is considered a quit without good cause attributable to the employer. *LeGrange v. Iowa Dep't of Job Serv.*, (No. 4-209/83-1081, Iowa Ct. App. Filed June 26, 1984).

Claimant was not discharged by employer on July 13, 2020. Claimant's belief that he had been discharged was erroneous. Claimant accepted a comment from his coworker as truth, but did not follow-up with employer to determine whether he had actually been discharged. Claimant's coworker did not have authority to discharge him. Claimant and this coworker held the same position, so claimant knew that his coworker did not have authority. Claimant did not report to work after July 13, 2020. Therefore, claimant's separation is considered a voluntary quit without good cause attributable to employer. Claimant has not met his burden of proving that he voluntarily quit for good cause attributable to employer. Therefore, claimant is not eligible for unemployment insurance benefits.

DECISION:

The September 23, 2020 (reference 02) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



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December 7, 2020
Decision Dated and Mailed

acw/mh