

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOSHUA T VITOLLO
Claimant

SEABOARD TRIUMPH FOODS LLC
Employer

APPEAL NO. 19A-UI-06128-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/30/19
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 30, 2019, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 26, 2019. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Employer's Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 23, 2019. Claimant voluntarily quit on June 26, 2019 as claimant called into the absence line to alert he would no longer be working.

Claimant was hired on April 1, 2019 to work production for employer. At the time of hire, claimant told employer of his mental health difficulties, but did not provide any doctor's documentation in support of his claims as nothing was requested by employer to be provided.

Claimant was placed into an area where help was needed. Claimant was asked to use a knife he was not experienced using. He was uncomfortable working in this high pressure area, and uncomfortable in seeing that supervisors would walk around the area and not help out when the claimant obviously needed help.

Claimant soon expressed to employers that he wished to transfer positions. Employer denied claimant's requests. Claimant had a supervisor ask his superiors if claimant could transfer into another area, but employer again demurred.

Claimant said the last, most recent action on the part of employer that led to his quit occurred when employer did not allow claimant to take his anti-anxiety medicine in the middle of his shift

when claimant reported that he was having a panic attack. Claimant had not brought in any doctor's note surrounding the distribution of the anti-anxiety medicine.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because his requests to change to a different job were not allowed by employer.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Here, claimant must understand that employer's lack of willingness to allow his transfer within a couple of weeks of hire is a decision employer is free to make and does not constitute good cause to quit. Additionally, as claimant did not provide employer specific doctor's instructions as to his medications, it was reasonable that employer would not let claimant take meds when he was operating potentially dangerous equipment.

DECISION:

The decision of the representative dated July 30, 2019, reference 02, is affirmed. Unemployment insurance benefits shall be withheld 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.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn