

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES M GREEN
Claimant

APPEAL NO. 09A-UI-08640-C

**ADMINISTRATIVE LAW JUDGE
DECISION**

PINERIDGE FARMS
Employer

**Original Claim: 05/10/09
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

James Green filed an appeal from a representative's decision dated June 15, 2009, reference 01, which denied benefits based on his separation from Pineridge Farms. After due notice was issued, a hearing was held in Des Moines, Iowa, on July 13, 2009. Mr. Green participated personally. The employer participated by John Anderson, Human Resources Manager.

ISSUE:

At issue in this matter is whether Mr. Green 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. Green began working for Pineridge Farms on October 13, 2008 as a full-time production employee. On May 12, 2009, he was notified that he was being suspended as a result of his attendance. He became angry over the disciplinary action and decided to quit. Continued work would have been available if he had not quit.

Mr. Green was also unhappy with the fact that he was sometimes moved around to different jobs. He was moved only as the need arose. The employee handbook advises employees that they can be moved if the need arises for their services in a different job or department.

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). Part of Mr. Green's stated reason for leaving was the fact that the employer sometimes moved him to different jobs as the need arose. It is not unreasonable for an employer to have employees move to a different job on a temporary basis in order to expedite production. Moreover, Mr. Green was on notice from the employee handbook that the employer reserved the right to move employees as the need arose. Therefore, the fact that he sometimes

had to perform a different job did not constitute good cause attributable to the employer for quitting.

Mr. Green's decision to quit was prompted by the fact that he was disciplined regarding his attendance. It is not unreasonable for an employer to put an employee on notice that his attendance is jeopardizing his continued employment. An individual who leaves employment after being reprimanded is presumed to have quit for no good cause attributable to the employer. 871 IAC 24.25(28). Mr. Green has not overcome the presumption and, therefore, is not entitled to job insurance benefits.

DECISION:

The representative's decision dated June 15, 2009, reference 01, is hereby affirmed. Mr. Green voluntarily quit his employment for no 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

cfc/kjw