

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIEZ S BEEBE
Claimant

APPEAL NO. 07A-UI-06424-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRAY TRANSPORTATION INC
Employer

**OC: 06/03/07 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Daniez S. Beebe (claimant) appealed a representative's June 19, 2007 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Gray Transportation, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 13, 2007. The claimant participated in the hearing. Darren Gray, the president, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on May 1, 2006. The claimant worked as a full-time trailer mechanic. Monte Gray supervised the claimant and the other trailer mechanics. Leroy Gray, Monte's father, daily visited the claimant's department.

Prior to May 30, 2007, Monte directed the claimant and other employees to sell the employer's scrap aluminum. The employees received a check in Monte's name for the aluminum turned in. Sometimes the employees received part of the money made from the scrap aluminum.

In early May, Leroy learned the employer's scrap aluminum was being sold. Leroy was upset and warned the employees that if anymore of the employer's scrap aluminum was sold, the employee engaging in this activity would be discharged. Shortly after this warning, the claimant asked Leroy if tools the mechanics needed could be purchased from the money from the scrap aluminum. After Monte learned the claimant talked to Leroy about buying tools, Monte told the claimant that if he needed any tools or equipment, he was to talk to Monte and no one else. Monte was upset that the claimant had not talked to him about tools he needed.

Before Monte, Leroy and Darren Gray went on a fishing trip for a week in late May, Leroy told the claimant what repairs he wanted done on a trailer when he was gone. The claimant and his co-workers started the trailer work, but the work became more complicated than the claimant anticipated. The claimant talked to Leroy's wife when he discovered the problems. She told the claimant to wait until Leroy returned from his trip so Leroy could decide what he wanted to do about the repairs. The claimant did not know a latch on the door of the trailer needed to be repaired.

When the Gray men returned on May 30, Leroy picked up the trailer and a door flew open. Monte was upset about the lack of work that had been done on the trailer when he had been gone. Monte asked the employees what, if any, work they had done while he was gone. A short time later, Monte saw the claimant and two other mechanics examining a trailer. Minutes later Monte observed the claimant and his co-workers were still looking at and talking around a trailer. After the employees went on a morning break, Monte told them to get back to work because there would be no breaks when the employees did not work.

The claimant and two co-workers walked off the job on May 30 before 10:30 a.m. The claimant concluded Monte had just eliminated the morning break. Eliminating the break, in addition, to the events listed above, made the claimant realize he could not continue to work for the employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant voluntarily quit his employment when he walked off the job on May 30. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits for reasons that qualify him when he leaves because of a substantial change in the employment or because of intolerable working conditions. 871 IAC 24.26(1) and (4). The law also presumes a claimant voluntarily quits without good cause if he leaves after being reprimanded. 871 IAC 24.25(28).

The facts reveal the claimant did not appreciate Leroy reprimanding him for selling the employer's scrap aluminum that Monte had authorized the claimant and others to do. The claimant acknowledged that Monte told his father he had told the employees to do this. While Monte may have overreacted after learning the claimant talked to Leroy about buying tools with the scrap aluminum money, the claimant did not initially talk to Monte about any tools he needed for work. Monte's reaction and comment to the claimant does not amount to intolerable working conditions.

On May 30, 2007, Monte reprimanded the claimant two times. Once when he questioned the claimant about the work done, or lack of work done, in Monte's absence. The second time occurred when the claimant had just gone on break and Monte told employees they could not have a break when they did not work. The claimant's conclusion that Monte had just eliminated the morning break forever is not credible. This conclusion is reached because the claimant also testified that on a prior occasion Monte would not allow employees to take an afternoon break because a trailer had to be repaired by a specified time. The claimant continued to work after Monte eliminated that break. Also, since the claimant immediately walked out, the facts indicate he left work because he was upset after Monte reprimanded him and his co-workers for failing

to work. Finally, if the claimant was truly concerned about a morning break being forever eliminated, he could have talked to Darren or Leroy and did not.

The evidence does not establish that the claimant quit his employment for reasons that qualify him to receive unemployment insurance benefits. As of June 3, 2007, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's June 19, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 3, 2007. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw