

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DAMETRIAH M BOYSON

Claimant

APPEAL NO. 19A-UI-06290-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROCHESTER ARMORED CAR CO INC

Employer

OC: 07/14/19

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 August 5, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 30, 2019. Claimant participated. Employer participated by John Nickell and Bill Pryor.

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 July 17, 2019. Claimant stated that she voluntarily quit on that date because as a pregnant woman she was forced to sit in a truck cab with an air conditioner that didn't work in very warm temperatures.

Claimant worked as a driver for an armored truck company. Claimant would sit in the vehicle while a co-worker went inside facilities to provide services to the clients. Claimant had complained to employer in May about her truck not providing proper air conditioning. Employer sent the vehicle into be repaired.

In July, claimant was again hot at work as she said that she was forced to sit in a vehicle for an hour while her co-worker was inside the vehicle. She stated that again cold air was not blowing out. As she was pregnant, she felt she needed to quit work.

Employer stated that claimant's concerns were addressed when they were raised. Employer further stated that at the time of her quit, claimant did not state anything regarding the temperature of the vehicle. Rather, claimant expressed that she needed to be able to access money in her 401k in order to go to school to get her CDL. This could only be done through quitting to get at her retirement money.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 the cab of the truck she drove was too hot for her to continue working.

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, every time claimant raised complaints about the vehicle she drove, those complaints were addressed by employer. Additionally, it is believed that claimant did need to access her money and didn't mention the vehicles at the time of her quit. Benefits are denied.

DECISION:

The decision of the representative dated August 5, 2019, reference 01, 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