

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**VERNON SOLOMAN**  
Claimant

**APPEAL NO. 06A-UI-09911-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KINSETH HOTEL CORPORATION**  
Employer

**OC: 08-13-06 R: 02  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving  
Section 96.6-2 – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 12, 2006, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 24, 2006. The claimant participated in the hearing. Carolyn Burnett, General Manager and Marcy Schneider, Employer Representative, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: A disqualification decision was mailed to the claimant's last-known address of record on September 12, 2006. The claimant did not receive the decision and was not aware he had been denied benefits until he called the Department at which time he filed an appeal. Consequently, the administrative law judge finds the claimant's appeal is timely.

The claimant was employed as a full-time maintenance/landscaping/groundskeeper for Kinseth Hotel Corporation from June 27, 2005 to August 15, 2006. The claimant submitted his resignation August 15, 2006, with an effective date of August 19, 2006. He left because he "couldn't get along with" General Manager Carolyn Burnett. The claimant was upset because he felt Ms. Burnett "expected too much out of everyone" and he believed some of the tasks assigned, such as pulling in weeds in 100 degree weather and painting doors were not reasonable. Someone also told him that Ms. Burnett was dissatisfied with the claimant's work on some leaking ceilings. He never spoke to Ms. Burnett about any of these issues but did mention to Chief Maintenance Engineer Gene Dawson that he was going to quit if things stayed the same. Other employees told him they "just got the runaround" when they talked to Ms. Burnett but he did not speak to Ms. Burnett about leaving his position or ask Mr. Dawson to

do so on his behalf. The employer told the claimant not to finish his notice period and the separation occurred August 15, 2006.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant was dissatisfied with the work environment, he has not provided evidence that the workplace was unlawful, intolerable, or detrimental to him as required by Iowa law. Additionally, he never spoke to Ms. Burnett about his concerns or heard any criticism from her directly but instead relied on other employees' comments. Although he did tell Mr. Dawson he was going to leave if things did not improve, the issues he was complaining about do not rise to the level of good cause attributable to the employer. Consequently, the administrative law judge concludes the claimant has not demonstrated that his leaving was for good cause and benefits must be denied.

**DECISION:**

The September 12, 2006, reference 01, decision is affirmed. The claimant's appeal is timely. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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