

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAVID G LOCKWOOD**  
Claimant

**APPEAL NO. 17A-UI-03585-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SIMPLY ESSENTIALS**  
Employer

**OC: 04/24/16**  
**Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

David Lockwood filed a timely appeal from the March 27, 2017, reference 02, decision that disqualified him for benefits and that relieved the employer's account of liability for benefits, based on the claims deputy's conclusion that Mr. Lockwood voluntarily quit the employment on March 9, 2017 without good cause attributable to the employer. After due notice was issued, a hearing was held on April 27, 2017. Mr. Lockwood participated. Clint Richmond represented the employer. Witness Tim Patterson appeared pursuant to a subpoena requested by Mr. Lockwood. Exhibits 1 through 9, A, B and C were received into evidence.

**ISSUE:**

Whether Mr. Lockwood's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: David Lockwood was employed by Simply Essentials as a full-time Jockey Driver from February 11, 2017 until March 9, 2017, when he voluntarily quit the employment. M. Lockwood's work hours were 6:00 a.m. to 4:00 p.m., Monday through Friday. Mr. Lockwood's primary supervisor was Merrell Crawford, Shipping Supervisor. Elio "EJ" Juarez, Shipping Manager, also exercised supervisory authority over Mr. Lockwood. Mr. Lockwood's primary duties involved moving freight trailers to and from the company's loading dock. The employer assigned other duties as needed.

Mr. Lockwood walked off the job on the morning of March 9, 2017, due to his erroneous perception that Mr. Crawford was harassing him. On that morning, Mr. Crawford led a meeting to reinforce company policies. Mr. Lockwood was disinterested in hearing the information he had heard previously and conveyed that disinterest by turning away from Mr. Crawford as Mr. Crawford was speaking. Mr. Crawford observed Mr. Lockwood's behavior and asked Mr. Crawford whether he understood the information being conveyed. Mr. Lockwood was upset that Mr. Crawford had directed attention to Mr. Lockwood. In his upset state, Mr. Lockwood asked Mr. Crawford whether his coworker, Tim Patterson, should also be asked whether he understood the information being conveyed. Mr. Patterson was present and had been paying

attention to Mr. Crawford during the meeting. Mr. Lockwood abruptly exited the meeting. Mr. Lockwood and Mr. Crawford went to the human resources office and spoke briefly with Clint Richmond, Human Resources and Safety Manager. Mr. Lockwood told Mr. Richmond that if he had to continue to work for Mr. Crawford he would no longer work for the company. Mr. Richmond conveyed that Mr. Crawford's work assignment and/or Mr. Lockwood's work assignment was not an option. At that time, Mr. Lockwood elected to quit the employment and left before the end of his shift.

Prior to March 9, 2017, Mr. Lockwood had on other occasions behaved in a belligerent and inappropriate manner when interacting with coworkers. This had prompted the employer to issue two reprimands to Mr. Lockwood in February 2017. The second reprimand included a three-day suspension. Mr. Lockwood misperceived the employer's attempts to address his inappropriate behavior as harassment.

### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(21) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

Iowa Admin. Code r. 871-24.25(22) provides:

Voluntary quit without good cause. 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. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(22) The claimant left because of a personality conflict with the supervisor.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d 213 (Iowa 2005).

The weight of the evidence in the record fails to support Mr. Lockwood's assertion that he was being harassed by Mr. Crawford. The evidence does not establish intolerable or detrimental working conditions. Rather, the weight of the evidence indicates that Mr. Lockwood was quick to perceive an exercise of the employer's authority as a slight infringement. At the same time, Mr. Lockwood was unable and/or unwilling to acknowledge the negative impact that his inappropriate behavior had on coworkers, supervisors, and the work environment. Mr. Lockwood's personality conflict with the supervisor and his dissatisfaction with the work environment did not provide good cause attributable to the employer for leaving the employment.

Mr. Lockwood voluntarily quit the employment without good cause attributable to the employer. Accordingly, Mr. Lockwood is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount. Mr. Lockwood must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

**DECISION:**

The March 27, 2017, reference 02, decision is affirmed. The claimant voluntarily quit the employment on March 9, 2017 without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/scn