

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSIE R SALINAS
Claimant

APPEAL NO. 11A-UI-07990-WT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINNEBAGO INDUSTRIES
Employer

OC: 12/26/10
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant, Jessie Salinas appealed an unemployment insurance decision dated June 9, 2011, reference 01, that concluded that she had quit employment with Winnebago Industries and failed to establish good cause attributable to the employer. A telephone hearing was held on July 12, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Pamela Lampman, Personnel Recruiter, participated in the hearing on behalf of the employer Winnebago Industries. Claimant Exhibit 1 and Employer Exhibit A were entered into evidence.

ISSUES:

The issue is whether the claimant quit with good cause attributable to the employer.

FINDINGS OF FACT:

Jessie Salinas was employed by Winnebago Industries beginning in August 2007. He was a full-time product assembly fabricator. He voluntarily quit employment on May 13, 2011 for a higher paying job opportunity.

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.

871 IAC section 24.26(4) provides that an employee who quits “with good cause attributable to the employer” is exempted from the disqualification in section 96.5(2)(a). An employee who leaves employment “due to intolerable or detrimental working conditions” is considered to leave

for good cause attributable to the employer. It is the claimant's burden to demonstrate that the quit was because of intolerable or detrimental working conditions.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to the employer. Mr. Salinas did provide compelling testimony that he was essentially required to work very hard, and, in fact, harder than other similarly-situated employees. The description of the work is indeed quite physical and difficult and the employer acknowledged that Mr. Salinas was quite skilled. The employer undoubtedly took advantage of this.

In viewing the entire factual scenario as a whole, the administrative law judge does not have enough evidence that the conditions were so difficult as to qualify as "detrimental or intolerable working conditions." The most damaging evidence against the claimant's case is the forms he filled out to quit as well as the exit interview. (Emp. Ex. A-B). In failing to even mention anything about the difficult working conditions, the claimant undercut his argument that those conditions were the real reason for his separation. Consequently, the weight of the evidence establishes that the claimant quit without good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated June 9, 2011, reference 01, is affirmed. Unemployment insurance benefits are 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.

Joseph L. Walsh
Administrative Law Judge

Decision Dated and Mailed

jlw/pjs