

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KENNETH M LEHMAN
Claimant

QUANEX HOMESHIELD INC
Employer

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

APPEAL NO. 12A-UI-06403-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/19/12

Claimant: Appellant (5)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated May 22, 2012, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on June 26, 2012. The claimant participated personally. Participating as a witness for the claimant was Ms. Jennifer Sisk, a former employee. The employer participated by Ms. Shelly Miller, Human Resource Supervisor. Employer's Exhibits One through Five were received into evidence.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Kenneth Lehman was employed by Quanex Homeshield Inc. as a full-time production worker from May 14, 2008 until April 18, 2012 when he voluntarily left employment. Mr. Lehman left his employment due to general dissatisfaction with his work assignments and the failure of his immediate supervisor to rotate other employees onto the job of roller screening as promised. Mr. Lehman considered the roller screening job to be difficult because of the requirement that employees lean over as they perform the duties. Mr. Lehman had gone to his immediate supervisor about the issue of rotating other employees that had been often promised that the rotation would occur. Mr. Lehman left employment when he felt that he could no longer perform those duties. The claimant had not been advised by a doctor to leave.

The employer has an open door policy that allows employees to go up the chain of command or to use company "hotline" if they feel that their immediate supervisors are not responsive to their employment needs. Mr. Lehman was aware of the open door and hotline policy but did not use them prior to leaving employment. Work continued to be available to the claimant at the time of leaving.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that claimant voluntarily left 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.

An individual who voluntarily leaves their employment must first give notice to the employer of the reason for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An employee who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if conditions persist in order to preserve eligibility for benefits. Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991).

Inasmuch as the evidence in the record establishes that the employer had an open-door policy and a "hotline" available to employees to address employees' complaints and that the claimant did not utilize them, the administrative law judge concludes that the claimant did not avail himself of opportunities to have the employer resolve his complaints prior to leaving employment. The separation was thus without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's decision dated May 22, 2012, reference 01, is affirmed as modified. The portion of the determination disqualifying the claimant from receiving benefits until he has worked in and been wages for insured work equal to ten times his weekly benefit amount is affirmed. The portion of the determination finding the claimant discharged is modified to find the claimant left employment without good cause attributable to the employer.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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