

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHAD E KRUTSINGER**  
Claimant

**APPEAL NO. 17A-UI-01150-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA STEEL FABRICATION LLC**  
Employer

**OC: 01/01/17**  
**Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit  
Section 96.3-7 – Overpayment

**STATEMENT OF THE CASE:**

Iowa Steel Fabrication (employer) appealed a representative's January 24, 2017, decision (reference 01) that concluded Chad Krutsinger (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 24, 2017. The claimant participated personally. The employer participated by Joe Greving, President, and Rose Foxwell, Human Resources Specialist. Exhibit D-1 was received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on May 13, 2013, as a full-time painter. The claimant also performed sandblasting. He asked the plant manager for a fresh air mask to use when he painted and a fit test to make certain the mask was working properly. The claimant had a fresh air mask to use when he sandblasted. The employer told the claimant to talk to someone else. The claimant was busy and could not request the mask from the other person. He continued to work without the mask. The plant manager did not help him get the mask.

The plant manager ordered the sand for sand blasting. On the bag a warning said that the sand should not be used for sandblasting. The claimant complained to the plant manager a dozen times about the material. He also complained to other supervisors. They told him to man up, not be a wussy, and use what he had. On January 3, 2017, the employer told the claimant to sandblast using incorrect sand. The claimant quit work due to safety concerns.

The claimant filed for unemployment insurance benefits with an effective date of January 1, 2017. The employer participated personally at the fact-finding interview on January 23, 2017, by Todd Eddy and Rose Foxwell.

## REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer.

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. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The law presumes a claimant has left employment with good cause when he quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). It would be reasonable for the employee to inform the employer about the conditions the employee believes are intolerable or detrimental and to have the employee notify the employer that he intends to quit employment unless the conditions are corrected. This would allow the employer a chance to correct those conditions before a quit would occur. However, the Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. *Hy-vee, Inc. v. Employment Appeal Board and Diyonda L. Avant*, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer of the unsafe work environment. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits.

## DECISION:

The representative's January 24, 2017, decision (reference 01) is affirmed. The claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed, provided claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs