

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KEVIN E HOULIHAN
Claimant

QUAD CITIES AUTOMOTIVE GROUP LLC
Employer

APPEAL NO. 20A-UI-10312-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 18, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 12, 2020. Claimant participated. Employer participated by Buffy Hunt.

ISSUES:

Whether claimant quit for good cause attributable to employer?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 5, 2020. Claimant voluntarily quit on that date as he became frustrated with the company's treatment of him.

Claimant worked as a senior Lexus diagnostic technician for employer. A couple years ago, claimant was off from work for three months dealing with a foot problem. During this time, his job was split between other employees. Claimant came back to work and his job is no longer there. Instead, claimant was simply an hourly mechanic for employer. (Employer stated that claimant was an hourly mechanic throughout his time with employer and he had no demotion.)

Claimant stated that he wasn't respected by employer. He went to human resources with this complaint approximately six months before his quit and the human resources officer offered to set up a meeting with claimant and the manger had had expressed being difficult. Claimant refused the meeting.

Claimant did not share any last act that led to his quit. He stated that he just did not feel he could put up with things any longer. Employer tried to talk claimant out of quitting by meeting with him outside of work, but claimant did not wish to return to his job.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

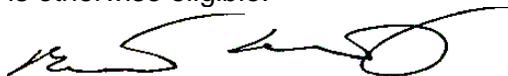
The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was frustrated with his position and with the lack of respect others afforded him.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.*

Here, claimant was obviously frustrated with his job. When he brought his issues to employer, employer tried to arrange a meeting to work through the difficulties. Claimant refused this meeting. Claimant's quit, while understandable, was not for good cause attributable to employer. Benefits are denied.

DECISION:

The decision of the representative dated August 18, 2020, reference 01, is affirmed. Unemployment insurance benefits shall be 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.



Blair A. Bennett
Administrative Law Judge

October 14, 2020
Decision Dated and Mailed

bab/scn