

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTOPHER L OLSON
Claimant

APPEAL NO. 12A-UCX-00051-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CUSTOM-PAK INC – LP2
Employer

OC: 05/13/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Christopher L. Olson filed a timely appeal from an unemployment insurance decision dated October 23, 2012, reference 02, that disqualified him for benefits. After due notice was issued, a telephone hearing was held November 27, 2012 with Mr. Olson participating. Exhibit A was admitted into evidence on his behalf. Group Leader Jay Kadner, Second Shift Coach Randy DeMeyer and Human Resources Manager Andrea Lawrence participated for the employer, Custom-Pak, Inc.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Christopher L. Olson was employed as a machine operator by Custom-Pak, Inc. from May 24, 2012 until he resigned October 5, 2012. Jay Kadner was normally Mr. Olson's group leader; but for the few weeks immediately preceding resignation, Mr. Olson was assigned to a different group in order to learn to operate more complicated machines. He was considered to be an exemplary employee with management potential. He had received no warnings during his employment. A coworker, Jessica Roberts, had recently been discharged due to productivity and attendance issues. Fearing that he was soon to be fired himself, Mr. Olson resigned. He told Mr. Kadner of his decision without giving a reason. At Mr. Kadner's request, Mr. Olson also told second shift coach Randy DeMeyer. Mr. Olson told Mr. DeMeyer in general terms that the job was not going to work out for him. Mr. Olson was particularly concerned with his relationship with Mr. Kadner. He also feared that he may be discharged for the same reasons as Ms. Roberts. Mr. Olson was never tardy and prearranged absences through Mr. Kadner. Mr. Kadner did not encourage Mr. Olson to resign.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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 may receive unemployment insurance benefits after resigning due to intolerable or detrimental working conditions. See 871 IAC 24.26(4). On the other hand, an individual who resigns because of dissatisfaction with the work environment or because of a personality conflict with a supervisor is disqualified for benefits. See 871 IAC 24.25(21) and (22). One who resigns due to feeling that job performance was not meeting employer satisfaction is disqualified for benefits if the employer had not requested the resignation. See 871 IAC 24.25(33).

The essence of Mr. Olson's argument is that Mr. Kadner was trying to get rid of him through quit or discharge. The greater weight of evidence in this record does not support that argument. The employer witnesses testified consistently and plausibly that Mr. Olson was a well-respected employee. The evidence establishes that Mr. Olson had not worked directly for Mr. Kadner for the few weeks immediately preceding the separation. The evidence does not establish that Mr. Olson's situation was analogous to that of Ms. Roberts. While Mr. Olson may have had sufficient personal cause to resign, he has not established good cause attributable to Custom-Pak, Inc. Benefits are withheld.

DECISION:

The unemployment insurance decision dated October 23, 2012, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

css/css