

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JORDAN A STRANG**

Claimant

**APPEAL NO: 10A-UI-10793-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DE ROCHER CONSTRUCTION PC**

Employer

**OC: 11/01/09**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed a representative's July 30, 2010 decision (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had voluntarily quit his employment for reasons that do not qualify him to receive benefits. A telephone hearing was held on September 17, 2010. The claimant participated in the hearing. Pat DeRocher, the owner, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in April or May 2010. The employer hired the claimant to do construction work. Initially, the claimant did not work full-time hours because of weather delays. At the time of hire, the employer informed the claimant that 99 percent of his employees did not speak English. The employer had a bilingual employee work with the claimant.

During his employment, the claimant requested and received advances on his pay. In late June, the claimant went to Ethan, South Dakota, and worked 46 hours. At this job site, the claimant became frustrated because he did not know what other employees were saying. They spoke Spanish, but the claimant did not understand or speak Spanish. At times the bilingual employee became frustrated when the claimant asked what him what other employees were saying. The claimant was also frustrated because he did not know exactly what he was supposed to do and noticed that some of his work was done over by other employees.

When the claimant worked in Ethan, the customer brought beer to the job site for employees to drink. An employee contacted DeRocher and asked if employees could drink the beer after work. DeRocher indicated there was nothing wrong with that. In addition to having some beer after work, there was at least one time employees brought in a cooler of beer in the morning.

The beer was left from the night before. There was another time employees drank beer early in the afternoon and on a Saturday.

Even though the employer does not allow drinking on the job, the claimant did not report these occurrences. When the Ethan job was finished, the claimant did not submit his work hours. On July 5, when the claimant called to report he would be late, the employer indicated it was crucial for him to be on time for work because he was a driver. The claimant did not report to work on July 5 or contact the employer again. The claimant did not report the drinking that occurred in Ethan, South Dakota, or give the employer any reason for not returning to work.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6-2.

The claimant asserted several reasons for quitting. First, the claimant acknowledged that the advances the employer gave him prior to working at Ethan more than compensated him for the hours he worked at Ethan. The claimant admitted that he still “owed” the employer for some hours of work.

Next, the claimant quit because he was frustrated when he did not understand what other employees said because the claimant did not speak or understand Spanish. At the time of hire, the employer told the claimant that 99 percent of his employees did not speak English. The claimant knew or should have known he would not understand what his co-workers said when he accepted the job.

Finally, the claimant quit because co-workers drank beer a few times on the job. The claimant did not report this. Even after the claimant quit, he did not tell the employer why he quit, he just did not return to work. As a result of the claimant’s silence, the employer did not have an opportunity to address or even investigate this allegation. The claimant did not take reasonable steps to continue his employment.

The claimant established personal reasons for quitting, but he did not establish that he quit for reasons that qualify him to receive benefits. As of July 4, 2010, the claimant is not qualified to receive benefits.

#### **DECISION:**

The representative’s July 30, 2010 decision (reference 03) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of July 4, 2010.

This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css