

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HENRY L JORDAN
Claimant

APPEAL NO. 10A-UI-09513-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JOHNSRUD TRANSPORT INC
Employer

OC: 05/09/10
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Henry Jordan, filed an appeal from a decision dated June 22, 2010, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on August 25, 2010. The claimant participated on his own behalf. The employer, Johnsrud Transport, participated by Human Resources Manager Doug Dutter, General Manager Doug Adams, Safety Director John Osborne and was represented by Jennifer Smith. Exhibits Two and Three were admitted into the record.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Henry Jordan was employed by Johnsrud Transport from June 2, 2003 until February 3, 2010 as a full-time over-the-road truck driver. On February 1, 2010, the claimant used abusive language to General Manager Doug Adams during a phone call. He had received prior warnings regarding his bad temper and the employer dispatched him back to Des Moines, Iowa, to discuss the incident.

Mr. Jordan met with Mr. Adams and Human Resources Manager Doug Dutter on February 3, 2010. The claimant was not happy the employer was discussing the February 1, 2010, incident and other prior incidents. About five minutes into the meeting the claimant finally said he was quitting. The employer accepted the resignation.

The claimant was not happy that he had to stay out on the road over Christmas but he had agreed to do so. He was unhappy he was not able to stay at home when his mother was ill but he never requested time off from the employer. He was not pleased because the employer “did not care about [his] well being.” This was because he had had an accident in December 2009 but never requested time off nor did he report any injuries to the employer until after he quit.

REASONING AND CONCLUSIONS OF LAW:

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.

871 IAC 24.25(21), (22) and (28) provide:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

(22) The claimant left because of a personality conflict with the supervisor.

(28) The claimant left after being reprimanded.

The claimant was dissatisfied with his employment for various reasons which are not the fault of the employer. He agreed to stay out over Christmas although the employer did not demand it. In any event he was not promised he would be home for Christmas. He did not request time off to care for his mother and so the employer did not deny any compassionate leave. The claimant may have been injured in a work-related accident but since he did not report the injury or request medical leave, the employer cannot be held responsible for failing to provide them.

The record establishes the claimant quit because he was unhappy about being reprimanded, he had a conflict with his supervisor and was dissatisfied with his job. Under the provisions of the above Administrative Code sections, these do not constitute good cause attributable to the employer for quitting and the claimant is disqualified.

DECISION:

The representative's decision of June 22, 2010, reference 01, is affirmed. Henry Jordan is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css