

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RICKEY R RITCHIE**  
Claimant

**APPEAL NO. 09A-UI-10652-H2**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SUPERIOR CARPET  
& UPHOLSTERY CARE INC**  
Employer

**Original Claim: 06-14-09  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 16, 2009, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on September 10, 2009 in Des Moines, Iowa. Claimant did participate. Employer did participate through Mike Petithory, Owner.

**ISSUE:**

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a laborer, full-time, beginning in July 2006 through June 12, 2009, when he voluntarily quit.

On June 12 the claimant and Mr. Petithory were working at a job cleaning carpets when the van ran out of gas. Without gas, the carpet cleaning equipment on the van cannot be used. The claimant admits that it was his responsibility to keep track of how much gas was in the van and not let it run out of gas. The claimant had been previously disciplined for letting the van run out of gas. Mr. Petithory took the van to gas it up and when he returned he asked the claimant if he ever let his personal vehicle run out of gas. The claimant began arguing with Mr. Petithory and then when he was being reprimanded, he walked off the job without permission to leave. The claimant called someone for a ride and left the jobsite. Mr. Petithory called the claimant an hour later and asked him to return the keys.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without 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.

871 IAC 24.25(22) provides:

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 § 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 § 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:

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

871 IAC 24.25(28) provides:

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 § 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 § 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:

(28) The claimant left after being reprimanded.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The claimant was responsible for ensuring that the van did not run out of gas. He had been previously disciplined for the same conduct, that is letting the van run out of gas. Mr. Petithory was within his rights as the employer to discipline the claimant for failing to perform a required job function of not letting the van run out of gas. The claimant left the job site without permission due the reprimand he was being given by Mr. Petithory. The claimant's leaving without permission before the end of the job is evidence of his intent to quit his job. Leaving because of reprimand is not good cause attributable to the employer for leaving the employment.

While claimant's decision to quit may have been based upon good personal reasons, it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

**DECISION:**

The July 16, 2009, reference 01, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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