

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**NHOTKHAM CAM**

Claimant

**APPEAL 21A-UI-16374-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WEST LIBERTY FOODS LLC**

Employer

**OC: 03/29/20**

**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the July 22, 2021 (reference 05) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on October 4, 2021, at 3:00 p.m. Claimant participated. Employer participated through Monica Dyar, Human Resources Supervisor. No exhibits were admitted.

**ISSUE:**

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time Slicer Technician from January 18, 2021 until his employment with West Liberty Foods ended on March 3, 2021. Claimant worked Monday through Friday from 5:30 a.m. until his work was completed. Claimant's direct supervisor was Scott Bishop, Production Supervisor.

On March 2, 2021, claimant reported to work late due to illness. A coworker, Al, commented to claimant and others that claimant appeared to be on drugs. Claimant took issue with Al's remark. Claimant did not report the incident to human resources or to Bishop. Claimant believed that human resources and Bishop were already aware of the comment. Claimant assumed that employer had not and would not discipline Al.

On March 3, 2021, claimant arrived to work and asked a security guard at the guard station to speak with Bishop. The security guard said Bishop would not talk to claimant. Claimant did not enter the workplace or report to work. Claimant did not contact human resources. Claimant told the security guard that he quit and left the premises.

Claimant quit because of Al's comment and his belief that employer was aware of the comment and took no disciplinary action against Al. Employer had continuing work available for claimant if he had not quit. Claimant's job was not in jeopardy.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit his employment without good cause attributable to employer. Benefits are denied.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). The standard of what a reasonable person would have believed under the circumstances is applied in determining whether a claimant left work voluntarily with good cause attributable to the employer. *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

Iowa Admin. Code r. 871-24.25(6), (21) 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 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:

(6) The claimant left as a result of an inability to work with other employees.

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

Claimant's verbal resignation on March 3, 2021 is both evidence of his intention to sever the employment relationship and an overt act of carrying out his intention. Claimant voluntarily quit his employment.

Claimant quit because a coworker commented that claimant was using drugs and claimant assumed that employer would not discipline his coworker for the comments. In order to take disciplinary action, employer must be aware of the issue. Claimant did not notify human resources or his supervisor about the issue prior to quitting. Claimant's request to speak with his supervisor at the guard station was not a good faith attempt to bring the issue to employer's

attention and preserve his employment. Claimant has not met his burden of proving he voluntarily quit his employment for good cause attributable to employer. Benefits are denied.

**DECISION:**

The July 22, 2021 (reference 05) unemployment insurance decision is affirmed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied 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.



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Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

October 06, 2021  
Decision Dated and Mailed

acw/ol