

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATTHEW A HOWE
Claimant

M A MORTENSON CO
Employer

APPEAL 18A-UI-11282-CL
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/22/18
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the November 14, 2018, (reference 04) unemployment insurance decision that denied benefits based upon a separation from employment. The parties were properly notified about the hearing. A hearing was held in Des Moines, Iowa, on November 30, 2018. Claimant participated. Employer did not appear for the hearing and did not participate. Claimant's Exhibit A was received. The record was held open to allow claimant to submit additional information. The additional information was marked as Exhibit B and was admitted into the record.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on October 1, 2018. Claimant last worked as a full-time operator. Claimant was separated from employment on October 23, 2018, when he resigned.

Claimant worked for employer on a job site in rural Iowa building a windmill farm.

Claimant believes individuals working for other employers and law enforcement followed him in his personal vehicle outside of work hours while he was employed by employer.

Claimant also believes that on October 23, 2018, unknown individuals on a farm near to the job site shot him with a sonic weapon. The same day, claimant informed employer about what he believed was happening to him and resigned. Employer became concerned and called the Sheriff's Department. Claimant had a conversation with the Sheriff and then peacefully left the premises.

After his resignation, claimant saw several health care providers. Claimant was diagnosed with psychotic disorder with delusions.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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).

In this case, claimant resigned because he believed third parties followed him in his vehicle outside of work hours and attacked him on the job site with a sonic weapon. While the administrative law judge does not doubt the sincerity of claimant's beliefs, no evidence indicates that the employer took any of these actions against claimant or otherwise created a work environment that would be intolerable to the average person.

Claimant failed to establish he resigned for a good cause reason that can be attributed to employer.

DECISION:

The November 14, 2018, (reference 04) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn