

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**MICHAEL C JUDIE**  
Claimant

**CANADIAN PACIFIC RAILROAD**  
Employer

**APPEAL NO. 19A-UI-00502-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/23/18  
Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated January 11, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 1, 2019. Claimant participated. Employer provided no witnesses when called for the hearing.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 21, 2018. Claimant voluntarily quit on December 21, 2018, the day before he was to return to work following a one-month suspension for being involved in his second incident as a conductor in the four months he'd been serving in that capacity.

Claimant stated that he started working as a conductor in August after four months of training. He stated that soon after starting he was involved in a derailment. After the derailment he went back to additional training. Then in November, he was cited for being on the track without authority.

Claimant stated that he had adequate training. He felt that he needed to quit as he was putting himself, the employer, and others at risk by continuing to work. Although employer had ongoing work available for him, claimant didn't think he should continue with the well-paying job.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he didn't want to be at risk of causing additional accidents.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, claimant is not alleging that his quit was for any other reason than his own trepidation over causing additional accidents. This may be a good cause to quit, but is not attributable to employer. Benefits are denied.

**DECISION:**

The decision of the representative dated January 11, 2019, reference 01, is affirmed. Unemployment insurance benefits shall be withheld 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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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn