

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**AARON N BATTEN**  
Claimant

**AGREQUIP INC**  
Employer

**APPEAL 21A-UI-01824-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/16/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 10, 2020, (reference 01) unemployment insurance decision that denied benefits based upon his voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on February 24, 2021. Claimant Aaron N. Batten participated and testified. Witness Eric Sanderson testified on behalf of claimant. Employer Agrequip, Inc. participated through president Marvin Bricker and plant manager Ron McDowell. Employer's Exhibits A-H were 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 was employed full-time as a shipping supervisor from June 16, 2011, and was separated from employment on May 26, 2020, when he resigned.

On May 13, 2020, claimant notified his supervisor Ron McDowell that he was leaving his employment and his last day would be May 26, 2020. Claimant was frustrated on May 13 because when he arrived at work that day the battery was dead on the fork truck he was scheduled to use.

Claimant believed employer was not doing enough to keep employees safe and raised safety issues with McDowell. McDowell did not address the issues to claimant's satisfaction. Claimant's biggest complaint was that he believed the gravel was not level in the yard. Claimant drove a 17,000 pound machine, and if it tipped over due to a surface that was not level, the accident could be deadly. Claimant witnessed such an accident in 2014, although the employee was not injured and it was not clear what caused the accident. Employer provides extra gravel to level the yard when needed. Claimant also believed there was too much dust in the yard, but employer addressed the problem to the best of its ability due to possible damage to its product.

Employer maintains a safety policy which states that all unsafe conditions and/or practices are to be brought to a supervisor immediately. (Exhibit 1) The policy further states that if the conditions remain unsafe, the employee should discuss the situation with successively higher levels of management. Claimant did not raise safety concerns with upper management.

### **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:

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.

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(2) The claimant left due to unsafe working conditions.

(4) The claimant left due to intolerable or detrimental working conditions.

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). 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).

Employer has carried its burden of proving claimant's departure from employment was voluntary. However, claimant has not carried his burden of proving the voluntary leaving was for good cause attributable to employer.

Claimant resigned because he believed his working conditions were unsafe. However, claimant did not follow employer's safety rules to elevate concerns with upper management when he felt they were not being adequately addressed by his supervisor. Claimant deprived employer of an opportunity to address the issues in a way that may have salvaged the employment relationship.

The administrative law judge finds a reasonable person would not find the working conditions so unsafe, intolerable, and/or detrimental as to justify resignation. This is particularly true where claimant had not previously put upper management on notice to give employer an opportunity to address those issues or explore alternatives to separation from employment. Benefits are denied.

**DECISION:**

The December 10, 2020, (reference 01) unemployment insurance 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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Stephanie Adkisson  
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March 4, 2021  
Decision Dated and Mailed

sa/lj

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.