

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**PERRY STRUVE**  
Claimant

**DARLING INTERNATIONAL INC**  
Employer

**APPEAL 21A-UI-09564-AR-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/28/21**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On April 4, 2021, claimant, Perry Struve, filed an appeal from the March 29, 2021, reference 01, unemployment insurance decision that denied benefits based upon the determination that claimant voluntarily quit employment with the employer, Darling International, Inc., without good cause for doing so. The parties were properly notified about the hearing held by telephone on June 11, 2021. The claimant participated personally. The employer did not participate.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a diesel mechanic beginning on September 28, 2018, and was separated from employment on February 26, 2021, when he resigned.

Claimant reported to Richard Bouchard (“R. Bouchard”). Bouchard’s son, Sean Bouchard (“S. Bouchard”), also worked at the employer and reported to R. Bouchard. During the final few months of claimant’s employment, S. Bouchard began responding increasingly negatively to stressors at the employer. He would slam doors and, at times, throw things around the shop. R. Bouchard would sometimes tell S. Bouchard to “calm down or go home.” In response, S. Bouchard would usually calm down over time, or on approximately two occasions, he went home.

On February 25, 2021, S. Bouchard became angry with claimant for reasons that were not clear to claimant. In an effort to separate the two, R. Bouchard assigned both to drive so that they would be out of the shop. When claimant returned to the shop near the end of his shift, S. Bouchard was still angry. He was slamming doors and slamming items around the shop. He also threw a tool at the floor. Claimant did not feel safe being around machinery with such conduct going on. He had not complained to anyone but R. Bouchard about the conduct, but

the conduct occurred in front of both R. Bouchard and Fleet Manager Denny throughout the period during which the conduct occurred, so they knew about it.

On February 26, 2021, claimant resigned his employment. He told R. Bouchard of his resignation, and provided letters notifying Denny and General Manager Guy Murphy of his resignation. He told all three that he did not feel safe at the shop and that was the reason for his resignation. When claimant told Murphy of his resignation, Murphy asked if claimant just wanted to drive in order to remain employed and avoid S. Bouchard. Claimant told Murphy he did not want to deal with the people at the employer anymore.

### **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 § 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—24.25(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:

...

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

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).

Though unsafe or unlawful working conditions would give rise to a good-cause reason attributable to the employer for claimant's resignation, claimant here has not alleged objectively unsafe or unlawful working conditions. He felt unsafe because of S. Bouchard's conduct, but nothing he has alleged rises to the level of objectively unsafe or unlawful that would amount to a

good-cause reason attributable to the employer. He has alleged what amounts to an unpleasant, tense working environment that he did not feel was adequately addressed by the employer, though he made no complaints to anyone but R. Bouchard. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The March 29, 2021, (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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Alexis D. Rowe  
Administrative Law Judge

June 25, 2021  
Decision Dated and Mailed

ar/scn