

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

TWYFORD, MAC, E
Claimant

APPEAL NO. 11A-UI-10132-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF D M
Employer

**OC: 06/27/10
Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 20, 2011, reference 06, decision that that denied benefits. After due notice was issued, a hearing was held on August 23, 2011. Claimant participated. Katie Olson represented the employer.

ISSUE:

Whether the claimant's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mac Twyford was employed by Manpower Incorporated of Des Moines as a full-time machinist at the Sauer Danfoss production plant in Ames. Mr. Twyford started the assignment on January 10, 2011 and last performed work in the assignment on January 13, 2011. On January 13, Mr. Twyford suffered a minor cut to his right ring finger. The cut was approximately 1/4 inch in length and unspecified depth. Mr. Twyford brought the injury to the attention of the Safety Supervisor, Tommy Chance. Mr. Chance had Mr. Twyford rinse his finger under running water and provided a band-aid. Mr. Twyford asked for further evaluation of his finger. Mr. Twyford was concerned that metal dust or machine oil might be lodged in the cut. Mr. Chance then told Mr. Twyford that he needed to "suck it up and go back to work." Mr. Twyford finished his shift.

Prior to the shift scheduled for the next day, Mr. Twyford contacted Bev Reilly to indicate that he would be absent because his finger was swollen and he was in pain. Ms. Reilly was Manpower's on-site supervisor at the Sauer Danfoss plant. Ms. Reilly told Mr. Twyford that she had received a note about the injury. Ms. Reilly told Mr. Twyford that she would schedule a doctor appointment so that his finger could be examined. When Mr. Twyford told Ms. Reilly that he was in Des Moines, rather than at home in Marshalltown, Ms. Reilly quizzed Mr. Twyford with regard to why he was in Des Moines rather than at home. Mr. Twyford viewed Ms. Reilly's questions as an invasion into his private life.

Mr. Twyford appeared for a doctor appointment yet that day. The doctor advised Mr. Twyford that he could have received stitches for the cut if had been seen sooner, but given the delay,

stitches could not be used. The doctor put a butterfly bandage on the cut, secured it with some medical tape, and put Mr. Twyford's finger in a splint. The doctor prescribed an antibiotic and told Mr. Twyford to take ibuprofen if he felt discomfort. The doctor restricted Mr. Twyford from lifting with his right hand.

Mr. Twyford updated Ms. Reilly after the doctor appointment. She directed him to a pharmacy to get the antibiotic prescription filled. She told him to contact her if he had any problems before his next scheduled shift, which was set for the following Monday. Over the weekend, Mr. Twyford concluded that he had been mistreated by the Safety Supervisor and by Ms. Reilly. Mr. Twyford decided to quit the employment. Mr. Twyford did not return to the employment or make further contact with the employer.

REASONING AND CONCLUSIONS OF LAW:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

The evidence establishes that Mr. Twyford suffered a minor cut the fourth day of his work assignment. The cut was ¼ inch long, or rather small. The Sauer Danfoss Safety Supervisor concluded the cut was minor enough that the situation could be resolved by rinsing the wound, providing a bandage, and returning Mr. Twyford to work. While the Safety Supervisor's words indicated a lack of tact, the Safety Supervisor's decision and conduct did not rise to the level of intolerable or detrimental work conditions that would have prompted a person to leave the employment. Mr. Twyford notified his employer, Manpower, of the injury and the fact that it was still presenting a problem. Manpower promptly arranged for medical evaluation and treatment. While Ms. Reilly's query as to why Mr. Twyford was in Des Moines might have been lacking in tact, it also did not rise to the level of intolerable or detrimental working conditions that would have prompted a reasonable person to leave the employment. It was not necessary for Mr. Twyford to leave the employment to avoid serious harm and a doctor had not recommended that he leave the employment.

Mr. Twyford voluntarily quit the employment due to dislike of the work environment and a personality conflict with one or more supervisors. These reasons would not constitute good

cause attributable to the employer. See 871 IAC 24.25(21) and (22). Mr. Twyford voluntarily quit without good cause attributable to the employer. Accordingly, Mr. Twyford is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits paid to Mr. Twyford.

DECISION:

The Agency representative's July 20, 2011, reference 06, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs