

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MITCH MONROE**  
Claimant

**LE MARS TRUCK & TRAILER INC**  
Employer

**APPEAL 21A-UI-10992-ED-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 03/21/21**  
**Claimant: Respondent (1)**

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Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The employer filed an appeal from the April 6, 2021 (reference 01) unemployment insurance decision that allowed benefits based on claimant having voluntarily quit employment with good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on July 7, 2021. The claimant, Mitch Monroe participated personally. The employer, Le Mars Truck & Trailer Inc. participated through employees Mark McCarty and John Peters. The employer's exhibits 1-5 were admitted into the record.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?  
Was the claimant discharged for disqualifying job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a dispatcher. His employment started on February 3, 2020. His immediate supervisor was John Peters. Claimant was subjected to repeated offensive and demeaning screaming incidents during his employment by planners and their supervisor Todd (LNU). For example when claimant had a driver that could not make his load within the drive time he had left under Federal law, the planner Jake came screaming at claimant saying "I'm sick and tired of having to do your fucking work for you." This was repeated several times. Claimant was repeatedly subjected to such behavior over his employment. When he complained to supervisors or human resources he was told that this is how people talk to each other in the trucking business and there was nothing they could do about it. On March 15, 2021 after another incident the previous Friday, claimant emailed Mr. McCarty his resignation giving his two-week notice. On March 16, 2021 a driver berated him in a similar fashion, and claimant turned in his badge and left. His last day worked was March 16, 2021.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit for good cause attributable to the employer. Benefits are allowed.

As a preliminary matter, the administrative law judge finds that the claimant was not terminated for misconduct.

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.

Iowa Admin. Code r. 871-24.25 provides, in relevant part:

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.

The 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).

It is the duty of the administrative law judge to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* When deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

The claimant testified credibly that he was subjected to outrageously unprofessional behavior by coworkers and management employees alike, which was not refuted by the employer at all. Most notably, the claimant's supervisor John Peters was sworn in as a witness and the employer chose not to have him testify. While it is presumed that leaving because of dissatisfaction with the work environment is not good cause, in this case the behavior claimant

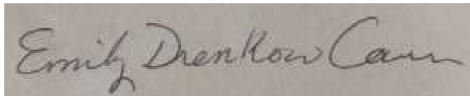
was subjected to and the complete lack of effort by his direct management or human resources was more than adequate to be good cause for leaving employment which is reasonable to the average person.

Claimant voluntarily quit with good cause attributable to the employer. As such benefits are allowed.

Since the decision allowing benefits is affirmed there is no over payment of benefits.

**DECISION:**

The April 6, 2021 (reference 01) unemployment insurance decision affirmed. Claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed.



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Emily Drenkow Carr  
Administrative Law Judge  
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July 19, 2021  
Decision Dated and Mailed

ed/kmj