

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BOBBIE L AMBURN
Claimant

ALCAST COMPANY MIDWEST WORKS LLC
Employer

APPEAL NO. 18A-UI-10581-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/23/18
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 18, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 6, 2018. Claimant participated. Employer participated by Scott Kelsey and Erin Kaufman.

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 September 28, 2018. Claimant voluntarily quit on September 28, 2018 after she was berated by employer.

Claimant received an email from a coworker stating that other facilities were going to be used for filling purchase orders of a major purchaser. Claimant was told by her manager that she was not to share this information. Within a short period of time, claimant went to coworkers out in the plant and told them of this information, asking them their thoughts. Claimant's manager overheard claimant sharing this information with her coworkers. The manager told her boss that she believed claimant had gone almost immediately after being told not to share information. The higher manager was immediately upset that claimant was spreading information that she was not to share with coworkers. The upper manager stated that improperly sharing this information could have led to a panic from employees not knowing about their jobs. The upper manager stated that over the last year he'd lost multiple employees who went to work in other places out of fear that their jobs with employer would soon be lost. The upper manager wanted to craft a statement to employees that would alleviate potential fears of job loss.

With this background, the upper manager approached claimant. The upper manager was outraged with claimant's actions, and frustrated that she'd been putting out a below average work product before this incident. He told claimant that with her work, she was lucky that she still had a job, and started cussing at claimant for sharing the information. After the upper

manager left, claimant was crying as she'd never been addressed in such a manner. She called her husband and came back into the office area and quit.

At the time of claimant's quit, employer stated that there was still work available for her.

Claimant stated that she had never before seen the upper manager act in the way that he had done to her.

REASONING AND CONCLUSIONS OF LAW:

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(28) 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:

(28) The claimant left after being reprimanded.

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 employer cussed at her after she shared information with coworkers immediately after being told not to do so.

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's quit was predicated only by being yelled at on one occasion by employer. In no way is the administrative law judge endorsing the language used or the yelling that the upper manager used in speaking to the claimant. At the same time, the real life circumstances behind the outburst show that not only was claimant acting in direct contravention to the direction that she'd been given minutes before by her manager, but also that claimant's actions could have been truly detrimental to the company and create panic amongst coworkers. Claimant could not express any reason as to why she shared this information.

Although employer's actions were out of place in an office setting, the upper manager had never acted in this way before. His outburst was only over a short period of time, and claimant did not show that her work conditions were affected by employer. Absent a showing that this type of action occurred on many occasions, or that claimant had done nothing to deserve an outburst, claimant's quit was not for good cause attributable to employer. Benefits are denied.

DECISION:

The decision of the representative dated October 18, 2018, 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.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs