

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MILO D MANNING**  
Claimant

**APPEAL NO. 07A-UI-11368-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ARTRANS INC**  
Employer

**OC: 11/04/07 R: 01  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Milo D. Manning (claimant) appealed a representative's December 6, 2007 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Artrans, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 27, 2007. The claimant participated in the hearing. Arlan Pottebaum, the president, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in March 2007. The claimant worked as a full-time truck driver. The claimant usually picked up a load on Sunday night and worked through Friday.

On November 5, 2007, the claimant had a truck he did not usually drive. Instead of taking 30 minutes to unload on November 5, it took the claimant 90 minutes. When the claimant called the employer to let him know he had finished unloading the truck, Pottebaum tried to explain what the claimant had done incorrectly. After the claimant made the remark that he thought he would quit this damn job, Pottebaum incorrectly concluded the claimant had the truck at the shop. Pottebaum did not realize the claimant was still at the job site. Pottebaum told the claimant to park the truck since the claimant already indicated he thought he would quit.

After the employer told the claimant to park the truck, the claimant assumed he no longer had a job and did not return to work. The employer had continuing work for the claimant to do. The

employer hired other employees to replace the claimant. The claimant did not return to work after November 5, 2007.

#### **REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5-1, 2-a.

The undisputed facts indicate the claimant's job was not in jeopardy prior to November 5, 2007. Pottebaum had not talked to the claimant and did not know him. The claimant's assertion that he was laid off for lack of work is not supported by the fact the employer hired employees to replace him.

As with many situations, both parties made assumptions that may not have been entirely correct. While both parties agreed they talked on November 5, each party remembered the conversation differently. Even though the claimant denied he was frustrated when it took him 90 minutes instead of 30 minutes to unload, the employer chastised the claimant for taking so long to unload on November 5. The claimant's testimony that he was not frustrated when it took him three times longer than normal to unload product is not reasonable or credible. The employer's testimony that the claimant said he would quit this damn job is credible after the employer reprimanded the claimant for taking so long to unload product. While the claimant may have been blowing off steam when he made the comment about quitting, the employer was also upset because of the time it took the claimant to unload. As a result, the employer immediately accepted the claimant's resignation and told him to park the truck. When the claimant did nothing in an attempt to rescind his resignation or contact the employer after they both had an opportunity to calm down, the claimant's action and words establish that the claimant intended to quit his employment. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The claimant quit his employment for personal reasons that do not qualify him to receive unemployment insurance benefits. As of November 4, 2007, the claimant is not qualified to receive unemployment insurance benefits.

#### **DECISION:**

The representative's December 6, 2007 decision (reference 02) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of November 4, 2007. This disqualification continues until he has been paid ten

times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css