

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTOPHER POSTELL

Claimant

APPEAL 17A-UI-08204-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

BRUS CONSTRUCTION LLC

Employer

OC: 07/09/17

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 3, 2017, (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on August 30, 2017. Claimant participated. Employer participated through Christa Brus, Officer Manager. Claimant's Exhibit A was entered into the record. Employer's Exhibit 1 was entered into the record.

ISSUE:

Did the claimant voluntarily quit his employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a carpenter beginning on May 10, 2016, through April 6, 2017 when he voluntarily quit. The claimant and one of his coworkers were both disciplined for an incident that occurred on March 28 where the claimant was accused of pointing a nail gun at his coworker while the safety mechanism was disengaged. After a meeting on March 30 where all parties involved were present with management to discuss the issues, the claimant and his coworker were each sent home without pay on March 30 and 31. The claimant returned to work on Monday April 3 and worked his normal shift performing his normal work duties. Thereafter he was a no-call/no-show for work on April 4, 5 and 6. Late in the afternoon of April 6 the claimant called human resources manager Carrie Rind. He told her that he was terminating his employment. The claimant did give Ms. Rind any reason why he was quitting. No physician had advised the claimant to quit his employment. Prior to quitting the claimant had not asked the employer for any accommodation due to any type of medical condition. Continued work was available for the claimant if he had not quit.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

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(6) 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:

(6) The claimant left as a result of an inability to work with other employees.

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.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

No physician advised the claimant to quit his job nor has the claimant submitted any credible medical evidence that indicates his anxiety disorder was caused by or aggravated by his employment.

Ms. Brus offered the more believable explanation that the claimant was upset he had been reprimanded and chose to quit his employment. Claimant has not established any good cause reason attributable to the employer for his leaving his employment. While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The August 3, 2017, (reference 03) 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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs