

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**PAUL MATYKOWSKI**  
Claimant

**LAKES VENTURE LLC**  
Employer

**APPEAL NO. 20A-UI-03703-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/15/20**  
**Claimant: Appellant (1)**

---

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant, Paul Matykowski, filed a timely appeal from the April 20, 2020, reference 02, decision that disqualified him for benefits and that relieved the employer's account of liability for benefits, based on the deputy's conclusion that the that the claimant voluntarily quit on October 16, 2019 without good cause attributable to the employer. After due notice was issued, a hearing was held on May 21, 2020. Claimant participated. Hope Summer of Employers Edge represented the employer and presented testimony through Drew Sarton. Exhibits A and B were received into evidence.

**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: Claimant, Paul Matykowski, was employed by Lakes Ventures, L.L.C., doing business as Fresh Thyme Farmers Market, from 2016 until October 16, 2019, when he voluntarily quit. During the last six months of the employment, claimant was full-time, Assistant Meat Department Manager at the employer's West Des Moines store. For two or three months before that, claimant was Acting Meat Department Manager. Throughout the claimant's employment Steve Bourbon was Store Director at the West Des Moines store. During the last several months of the employment, Chris Fisher was Meat Department Manager and was Mr. Matykowski's primary supervisor. As of June 2019, Drew Sarton was Assistant Store Director. On October 2, 2019, Mr. Matykowski emailed a brief resignation memo to Mr. Bourbon and hand-delivered a copy to Mr. Sarton. In the resignation memo, Mr. Matykowski indicated his last day in the employment would be October 16, 2020. The employer accepted Mr. Matykowski's resignation. The employer continued to have work for Mr. Matykowski at the time he separated from the employment. Mr. Matykowski's had not accepted other employment prior to leaving this employment.

A number of workplace concerns factored in Mr. Matykowski's decision to leave the employment. Mr. Matykowski felt unsupported by his superiors in connection with his desire to discipline a particular meat department employee, whom Mr. Matykowski believed was slacking

off. Mr. Sarton had recently disciplined Mr. Matykowski for work that was left undone in the meat department. Mr. Matykowski attributed the performance issue to his need to perform his own duties and duties that should have been performed by the other meat department employee in question. A couple months before Mr. Matykowski submitted his quit notice, multiple employees in the meat department had told Mr. Matykowski that Mr. Fisher, the new Meat Department Manager, had been showing the meat department employees nude photographs of his girlfriend. Mr. Matykowski had not observed the behavior in question. The employer has a sexual harassment policy that directs employee to notify store management of sexual harassment issues or to contact an anonymous tip line. Mr. Matykowski elected not to speak with the store management and instead elected to make a complaint via the anonymous tip line. Mr. Matykowski was disappointed when he did not observe anything to indicate the employer was taking his anonymous complaint seriously. During Mr. Matykowski's time as Acting Meat Department Manager, he was disappointed by what he perceived as a lack of training. During that time, Mr. Matykowski went to Mr. Bourbon with his concern about a lack of training and Mr. Bourbon directed him to figure things out on his own. Earlier in the employment, Mr. Bourbon was concerned about his hourly wage. Mr. Matykowski was subsequently promoted to Assistant Meat Department Manager and had no such wage concerns in 2019. Mr. Matykowski was concerned in early 2019 after an employee abruptly quit and then immediately uttered a threat to Mr. Matykowski. Nothing followed from the threat. However, Mr. Matykowski was disappointed that Mr. Bourbon continued to allow that same former employee to shop at the grocery store.

#### **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.

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).

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).

Iowa Administrative Code rule 871-24.25 provide, in relevant part, as follows:

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.
- (22) The claimant left because of a personality conflict with the supervisor.
- ...
- (28) The claimant left after being reprimanded.

The weight of the evidence establishes a voluntary quit that was without good cause attributable to the employer. Mr. Matykowski was concerned about reports that Mr. Fisher had shown nude photos of his girlfriend to meat department staff. Mr. Matykowski had not seen the alleged photos. Mr. Matykowski elected to take approved steps to report the conduct via the anonymous reporting mechanism, but elected not to take the more direct approach of alerting Mr. Bourbon or Mr. Sarton. Neither Mr. Matykowski, nor Mr. Sarton, nor the administrative law judge knows the specifics of Mr. Fisher's alleged conduct or of the employer's response to the anonymous complaint. It was unreasonable for Mr. Fisher to expect the employer would include him in a discussion regarding the employer's response to the anonymous complaint, given the anonymous nature of the complaint. There is insufficient evidence in the record to indicate circumstances surrounding the alleged sexual harassment to prove intolerable and/or detrimental work conditions that would have prompted a reasonable person to leave the employment. Likewise, there is insufficient evidence to establish that the employer mistreated Mr. Matykowski by issuing the reprimand for work performance or by failing to back up Mr. Matykowski regarding his desire to discipline the particular meat department employee. Mr. Matykowski had other grievances that a reasonable person would conclude were stale at the time Mr. Matykowski gave his quit notice. Mr. Matykowski had been dissatisfied with the work environment for some time when he gave his quit notice. The most recent matter that factored in the quit appears to be the reprimand that Mr. Sarton issued to Mr. Matykowski. Neither the dissatisfaction with the work environment nor the quit in response to a reprimand would provide good cause attributable to the employer for the voluntary quit. Mr. Matykowski is disqualified for benefits until he has worked in and been paid wages for insured work equal to 10 times his weekly benefit amount. Mr. Matykowski must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

**DECISION:**

The April 20, 2020, reference 02, decision is affirmed. The claimant voluntarily quit the employment on October 16, 2019 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 10 times his weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). You will need to apply for PUA to determine your eligibility under the program. Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.



---

James E. Timberland  
Administrative Law Judge

May 29, 2020  
Decision Dated and Mailed

jet/scn