

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STEPHAN G BETZ**

Claimant

**APPEAL NO. 16A-UI-02903-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALLIED BARTON SECURITY  
SERVICES LLC**

Employer

**OC: 01/31/16**

**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Stephan Betz (claimant) appealed a representative's February 23, 2016, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Allied Barton Security Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 30, 2016. The claimant participated personally. The employer participated by Marc Rath, Investigator, and Susan Vela, Human Resources Generalist/Administrative Assistant.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on October 22, 2010, as a full-time security officer. The claimant suffered a work-related injury to his right shoulder on February 1, 2015. The employer turned the matter over to its insurance carrier. The claimant's contact person was the employer's human resource generalist/administrative assistant. In June 2015, the employer issued the claimant a written warning for performance issues. Also in June 2015, the employer directed cameras on various work stations, including the claimant's, due to security issues. The claimant heard the camera was on him and thought the employer was watching him. It was not. In early November 2015, the claimant's right shoulder was bothering him. He wanted a second opinion. The insurance carrier and the employer told the claimant it would not pay for the appointment with a doctor to get a second opinion.

On November 23, 2015, after his shift was over the claimant told the employer he was quitting work. The claimant quit work because a camera was watching him, he received a warning, and the employer was not paying for a second opinion for his shoulder.

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

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

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(21) and (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:

(21) The claimant left because of dissatisfaction with the work environment.

(28) The claimant left after being reprimanded.

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). The claimant's intention to voluntarily leave work was evidenced by his words and actions. He told the employer he was leaving and quit work. When an employee quits work because he is dissatisfied with the work environment or after having been reprimanded, his leaving is without good cause attributable to the employer. The claimant left work because he did not like his work environment and after having been reprimanded. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's February 23, 2016, decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs