

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RONALD D SMITH**  
Claimant

**APPEAL NO. 13A-UI-06092-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SIOUX CENTER COMMUNITY HOSPITAL**  
Employer

**OC: 04/21/13**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated May 13, 2013, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a hearing was held on June 28, 2013. The claimant participated personally. The employer failed to respond to the hearing notice and did not participate. The record consists of the testimony of Ronald Smith.

**ISSUE:**

Whether the claimant voluntarily left for good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a hospital. The claimant was hired as a full-time cook. The claimant worked for the employer for approximately eleven months. The claimant resigned his position on March 4, 2013.

The reason that the claimant quit his job was because another employee was stealing. This was very stressful for the claimant. He went to his doctor and was advised to take some time off due to stress. His doctor then released him to return to work. At that time the claimant told human resources about the theft that was going on and that he did not want to be involved with it. No one ever accused the claimant of theft. The claimant decided to resign so that he could get his unpaid PTO. At the time he resigned and told human resources about the theft, human resources had no knowledge. The employee who was committing the theft was terminated approximately one week later and procedures were changed to eliminate the problem.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 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.

871 IAC 24.25(21) 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.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). 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). 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. See 871 IAC 24.25.

The claimant is not eligible for unemployment insurance benefits. The claimant clearly quit his job and did so because he did not want to be involved with theft that was going on and being committed by another employee. Although the claimant referred to himself as a whistleblower, there is no evidence that there was retaliation. The claimant actually quit on the same day that he told human resources about the theft. He never gave the employer the opportunity to correct the situation, which the employer did do. No one ever accused the claimant of theft. While it must have been unpleasant to work with someone who was stealing from the employer, the claimant himself was not involved and was not harassed. There is insufficient evidence in this record that the workplace was detrimental or intolerable. Benefits are denied.

**DECISION:**

The decision of the representative dated May 13, 2013, 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 benefits amount, provided claimant is otherwise eligible.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs