

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**CODEY A MEYER**  
Claimant

**ARTS-WAY VESSEL INC**  
Employer

**APPEAL 15A-UI-00156-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/07/14  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 24, 2014 (reference 01) unemployment insurance decision that denied benefits based. The parties were properly notified about the hearing. A telephone hearing was held on January 29, 2015. Claimant participated. Employer participated through Jill Reisdorfer, Human Resources Coordinator.

**ISSUE:**

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a painter and sand blaster beginning on April 28, 2014 through December 11, 2014 when he voluntarily quit.

The claimant had missed work on December 8, 9, and 10 because his girlfriend was in a car accident and hospitalized. When he returned to work on December 11 he went to his supervisor's office (Larry) to talk to him. The two got into a heated argument. At no time did Larry tell the claimant he was discharged. After the argument the claimant went to his car, got his uniforms, and turned them in; saying he was done and wanted to try some other line of work. The claimant's union representative spoke to him and specifically told the claimant that he could keep his job but the claimant told his union representative that he wanted to quit. While the claimant and Larry had an altercation months before, the claimant had continued to work. The claimant simply did not like the work and could not get along with his supervisor. Continued work was available for him if he had chosen to continue working.

**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 § 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(22) 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:

(22) The claimant left because of a personality conflict with the supervisor.

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). The claimant had continued to work for months after the prior altercation. He simply could not get along with Larry and did not like the work. 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 December 24, 2014 (reference 01) 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.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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