

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOHN F LAMPE
Claimant

TPI IOWA LLC
Employer

APPEAL NO. 19A-UI-03290-B2

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/24/19
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 11, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held in-person on May 9, 2019. Claimant participated. Employer participated by Danielle Williams. Employer failed to answer the phone when called and did not participate.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: As claimant was the only participant in the hearing, all findings of fact are derived from claimant's testimony. Claimant last worked for employer on March 18, 2019. Claimant voluntarily quit on that day when he spoke with a human resources officer and felt he could no longer work for his boss.

Claimant worked in quality control for employer. On March 5, 2019 claimant believed he'd found a quality issue and brought it up to his boss. A week later, on March 11, 2019, claimant's boss approached claimant and told him that he'd better not have any quality defect issues. The next day claimant went to his boss and mentioned the fact that a week earlier he'd brought up quality issues to his supervisor. This statement seemed to annoy claimant's boss. Claimant had a scheduled vacation that had previously been approved for a few days later on May 15, 2019 or May 16, 2019. This vacation was cancelled. Claimant believed this vacation day was cancelled in retaliation for claimant's bringing up the previous quality control issue. Claimant did not ask his boss or anyone in human resources why his previously scheduled vacation day had been taken away.

Claimant felt very stressed about the recent interactions with his boss. On May 18, 2019, a couple of hours into his shift, claimant went to human resources to talk about the situation. He explained the incidents which had recently occurred. The human resources representative tried

to talk with claimant about the incidents. Claimant then decided that he could no longer work for employer under this boss who he believed had it in for him and quit.

Claimant stated that he had a review a few months earlier where his boss stated that he was giving claimant additional people to watch over because other quality control people were doing other matters and the boss wanted to even things out. Claimant felt he was being singled out.

Claimant stated that he had not gone to human resources with his concerns prior to quitting because he felt that his manager would be believed over him. He felt that his boss would then treat claimant more poorly if he did go to human resources with complaints.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he felt that he was being picked on by his boss. Claimant shall not receive unemployment benefits.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Applying this standard of proof, claimant has simply not met the standard. Claimant did not explore the reasons for taking away his vacation. It cannot be assumed without any further evidence that the vacation was taken away as a result of earlier interactions. The only matter of any concern to the administrative law judge occurred when the employer told claimant that there had better not be any more quality control issues. This, in and of itself, and considering all other testimony, is not enough to constitute good cause to quit attributable to employer.

DECISION:

The decision of the representative dated April 11, 2019, 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 benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn