IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

CRAIG R LOWREY Claimant **MENARD INC** Employer	**APPEAL NO. 18A-UI-07900-B2T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 07/01/18** **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 July 19, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 14, 2018. Claimant participated. Employer participated by hearing representative Austin Stewart and witness Sam Martin.

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: Claimant last worked for employer on May 25, 2018. Claimant voluntarily quit his job after he felt that he'd been demeaned by his manager.

Claimant worked in maintenance for employer. On or around May 18, 2018, claimant was given a task to repair and replace floor tiles located in the middle of a highly travelled area. Claimant started executing this task in the middle of a wide aisle often used for transporting pallets full of items to be sold. Employer used the time between 5:00 a.m. – 9:00 a.m. to restock items as this was not a busy time for the store. Claimant was working on replacing the tiles in the middle of an aisle when a manager came upon claimant. Claimant stated that he told the manager that he'd been instructed by the store manager to work on these tiles immediately. Claimant stated that the manager told him he was stupid to be working on this project at this time in this area. Employer stated that he confronted claimant working on the tiles, and simply told him that now was not the time to do this project, and that he should wait until after 9:00 a.m. to do the project when the aisle isn't being used by employees with large pallets of goods.

Claimant was very upset after this encounter and shared it with the top two managers at the store. Claimant stated that he was quitting and giving the employer one week's notice. Claimant did end his employment one week later.

Claimant stated that the same manager had used the term “stupid” to refer to other employees and company practices on previous occasions, but claimant never went to employer with complaints. Claimant stated that he’d never previously been referred to as stupid by employer.

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 insulted by his manager, who he thought had called him stupid.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). In this matter, claimant has not carried his burden that his quit was for good cause attributable to employer. Claimant did not testify that employer had a regular habit of calling claimant stupid or saying other demeaning things to claimant. Even if claimant’s testimony is to be believed in this matter, claimant’s quitting of his employment came as a result of employer referring to claimant on one occasion as stupid. If claimant had other testimony supporting his own testimony, the administrative law judge may be dealing with a close case as to whether an individual occasion when claimant is called stupid constitutes good cause for claimant to quit his employment. But in this matter, claimant’s testimony was not inherently more truthful than employer’s – especially when claimant stated that his manager had used the term “stupid” previously to refer to tasks and procedures demanded to be followed by employer. As such, claimant has not carried his burden that the term was said, nor carried his burden that the use of the term, if said, was in reference to claimant and not to the action itself.

DECISION:

The decision of the representative dated July 19, 2018, 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.

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Blair A. Bennett
Administrative Law Judge

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Decision Dated and Mailed

bab/scn