

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMES A KNUTSON**  
Claimant

**APPEAL NO. 09A-UI-14975-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BLACKTOP SERVICE COMPANY**  
Employer

**OC: 11/02/08**  
**Claimant: Appellant (1)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

James Knutson filed a timely appeal from the October 2, 2009, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on November 4, 2009. Mr. Knutson participated. Robert Wagner, President, represented the employer. At the request of the claimant, the administrative law judge took official notice of the documents submitted for or generated in connection with the October 1, 2009 fact-finding interview.

**ISSUE:**

Whether Mr. Knutson's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: James Knutson was employed by Blacktop Service Company as a full-time truck driver until July 13, 2009, when he voluntarily quit. The employer performs road construction and resurfacing. In April, as the employer was preparing for the start of the road construction season, the employer announced it was unable to provide wage increases in 2009. The employer also announced that it had closed an operation in Arizona and that some employees from that site would be joining the employer's Iowa operations. The employer also announced that salaried staff would be taking a pay cut so that the employer could avoid reducing the wages of its hourly employees. The employer had made no changes in the conditions of Mr. Knutson's employment. Mr. Knutson tired of grumbling amongst his coworkers about the lack of a wage increase and about the Arizona employees joining the Iowa operation. The employer had a rain day on July 13 and sent employees, including Mr. Knutson, home for the day. Mr. Knutson told Alyssa Wagner, Human Resources Representative, that he would not be returning. Mr. Knutson did not say why he would not be returning. A month before the quit, Mr. Knutson had some health issues related to acid reflux. Mr. Knutson never mentioned these issues in connection with his quit. Mr. Knutson's quit was not based on a medical condition that prevented him from continuing in the employment and was not based on advice from a doctor that he quit. Mr. Knutson provided the employer with no medical documentation to suggest a need to quit due to a medical condition. The employer continued to have work available for Mr. Knutson.

**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.

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.

Where a person voluntarily quits employment due to dissatisfaction with the established and known wage, dissatisfaction with the work environment, or an inability to work with other employees, the quit is presumed to be without good cause attributable to the employer. See 871 IAC 24.25(13), (21) and (6). Mr. Knutson voluntarily quit for these reasons.

The evidence fails to indicate a quit based on a medical condition. See 871 IAC 24.26(6).

Mr. Knutson voluntarily quit the employment without good cause attributable to the employer. Accordingly, Mr. Knutson is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits paid to Mr. Knutson.

**DECISION:**

The Agency representative's October 2, 2009, reference 02, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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