

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DONALD G IHNKEN  
504 E CLARK ST  
JEFFERSON IA 50129

MILLARD REFRIGERATED SERVICES INC  
c/o TALX UCM SERVICES INC  
PO BOX 283  
ST LOUIS MO 63166 0283

Appeal Number: 06A-UI-00767-DWT  
OC: 12/18/05 R: 01  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Donald G. Ihnken (claimant) appealed a representative's January 10, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Millard Refrigerated Services, Inc. (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 7, 2006. The claimant participated in the hearing. James Hintz, the plant manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in 1998. The claimant worked as a full-time plant engineer. Hintz was the claimant's supervisor.

Hintz understood the claimant had some health problems, but the claimant never indicated his work adversely affected his health. While Hintz often had to draw out answers from the claimant, Hintz had no idea the claimant found Hintz intimidating. During the last months of his employment, Hintz heard rumors the claimant had been talking about retiring.

The claimant talked about his concerns and problems to a corporate engineer from Omaha. This engineer indicated that some of the claimant's concerns about projects were being addressed by the corporate office. The pressure of the job and his job responsibility, the lack of communication from management and his high blood pressure resulted in the claimant deciding to quit. Since the claimant did not like one-on-one communication with Hintz, he sent Hintz an email on November 13 or 14 informing Hintz that he was quitting effective immediately. The claimant cleaned out his locker on Sunday, November 12, when Hintz was not at work.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. The claimant voluntarily quit his employment when he submitted his resignation notice on November 13 or 14, 2005. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant voluntarily quits without good cause when he leaves because of dissatisfaction with the work environment or a personality conflict with his supervisor. 871 IAC 24.25(21) & (22). The claimant established compelling personal reasons for resigning. His reasons do not, however, qualify him to receive unemployment insurance benefits. As of December 18, 2005, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's January 10, 2006 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for personal reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 18, 2005. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

dlw/kjf