

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES R TROST

Claimant

**MID IA DEVELOPMENT ASSOC REG PL
MIDAS COUNCIL OF GOVERNMENTS**

Employer

APPEAL NO. 11A-UI-11678-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/07/11

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

871 IAC 24.25(21) – Dissatisfaction of the Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 26, 2011, reference 01, that held he voluntarily quit employment without good cause on August 1, 2011, and which denied benefits. A telephone hearing was held on September 28, 2011. The claimant participated. Cliff Weldon, executive director, and Jay Kammerer, transit manager, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the evidence in the record, finds: The claimant began employment as a part-time public transit bus driver on June 1, 2009. He last worked for the employer on July 31, 2011. He quit without notice on August 1 while on vacation.

Claimant advised manager Kammerer on August 1 that he was quitting and there was nothing the employer could do to change his mind. He had issues with passengers, working hours, and the lack of air-conditioning in the bus. Prior to quitting, he gave no indication to the employer he was thinking about quitting for these reasons.

The claimant worked an average of 36 hours a week, but there were times he worked more. He worked two weeks in July at 39 and 43 hours, but one week at 34. The employer usually scheduled claimant to work a range of hours from 28 to 38. Claimant advised the employer about the first part of July the air conditioning was not working. There were times the heat caused him nausea, but not to the point he sought medical treatment or called off from work. He had an issue with his supervisor; but, the one time he raised it, it was corrected by Kammerer.

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.

871 IAC 24.25(21) 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:

(21) The claimant left because of dissatisfaction with the work environment.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on August 1, 2011 due to job dissatisfaction.

The claimant was suffering from work stress due to the hours worked and a temporary issue with the air conditioning not working on his bus in July 2011. The claimant never advised the employer the air conditioning, heat on the bus issue made him ill nor did he seek medical treatment. He substantially worked within the range of weekly work hours of 28 - 38 hours during the course of employment, and within a modest increase during July. These reasons are not good cause attributable to the employer

DECISION:

The department decision dated August 26, 2011 reference 01 is affirmed. The claimant voluntarily quit without good cause attributable to the employer on August 1, 2011. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw