

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RYAN D MOORE
Claimant

HOSPITALITY STAFFING INC
Employer

APPEAL NO. 19A-UI-04032-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/28/19
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 May 14, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 11, 2019. Claimant participated. Employer participated by hearing representative Jackie Boudreaux and witness Anthony Leitz.

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 April 24, 2019. Claimant voluntarily quit on April 24, 2019 after putting in his two weeks' notice on April 9, 2019.

Claimant worked as a General Manager for Townplace Suites in Urbandale. On April 9, 2019 claimant was to have his yearly review. At the time of his review, claimant expressed that he was frustrated with his job. Employer asked claimant where his head was at in regards to his job. Claimant expressed that he was "unsure." Employer stated that if claimant was not committed to continuing his job that it would be appropriate for the parties to separate.

Employer had performance issues with claimant, and presented metrics to claimant that he was not achieving to the extent required. Employer had presented a written write up for claimant to improve his metrics, but did not give that to claimant once he found out that claimant did not desire to continue in his position.

Claimant did express to employer during the April 9, 2019 meeting that he'd been searching for other employment for a number of months.

At the time of claimant's quit, employer had ongoing work available for claimant.

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 didn't have a passion for his job.

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.* In this matter, claimant became dissatisfied with his job as he was working too many hours, taking his work home with him, and having problems hiring quality workers. The first two matters are part and parcel with a salaried manager's position and the third is a product of low unemployment. None of these are seen as brought about by employer or unusual. Certainly claimant has every right to quit because of these circumstances, but his quit is not seen to be for good cause attributable to employer. Benefits are denied.

DECISION:

The decision of the representative dated May 14, 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