

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MITCHELL L FITZ
Claimant

APPEAL NO. 08A-UI-02386-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BLACK HAWK COUNTY
Employer

**OC: 02/03/08 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a decision of a representative dated February 26, 2008, reference 01, which held the claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 25, 2008. Mr. Fitz participated personally. The employer participated by June Whelkins and Louis Cutwright. Employer Exhibits One, Two and Three were received into evidence.

ISSUE:

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from April 1997 until August 28, 2007 when he voluntarily quit employment. Mr. Fitz held the position of full-time building maintenance worker and was paid by the hour. His immediate supervisor was Louis Cutwright.

Mr. Fitz verbally submitted his resignation to his immediate supervisor by telephone on August 28, 2007. The claimant had not reported for work that day and had been called by his supervisor. The previous day the claimant had received a mild verbal reprimand from his supervisor for smoking in an unauthorized area. During the conversation on August 28, Mr. Fitz indicated his desire to quit employment stating, "You can have this f---ing job." The claimant confirmed his decision to resign in a telephone call the following day to the county's human resource manager, June Watkins.

Mr. Fitz left his employment due to general dissatisfaction with his working environment and because of stress associated with the imprisonment of his son, a divorce and an attempted suicide by his ex-wife. The claimant had been required to take time away from work because of these personal reasons and at times other employees had made comments to the claimant about the amount of time he was working. The claimant's immediate supervisor had taken action to rectify this problem by meeting with one or more county employees on more than one

occasion and issuing verbal reprimands. Mr. Fitz was considered to be generally a good worker and the county had allowed the claimant some latitude in his work performance during recent months because the county was aware of the personal problems Mr. Fitz was experiencing. Work continued to be available to the claimant at the time that he chose to leave employment.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence establishes that Mr. Fitz had good cause to leave his employment for reasons that were attributable to Black Hawk County. It does not. The evidence in the record establishes that Mr. Fitz had taken substantial time away from work due to serious personal problems during his most recent months of employment. Although the claimant had been authorized to be away from work it appears that some fellow workers had made comments to the claimant about the amount of time that he was devoting to county work. The claimant brought this to the attention of his supervisor and his supervisor acted reasonably by attempting to resolve Mr. Fitz's dissatisfaction and issuing verbal reprimands to offending employees.

Although it is unfortunate that Mr. Fitz experienced problems with co-workers, that situation is not unusual in the workplace. The evidence in the record establishes that the employer acted reasonably to resolve his areas of dissatisfaction. The administrative law judge must therefore conclude that the claimant has not established good cause for leaving his employment for reasons that were attributable to the employer. Mr. Fitz was at the time, experiencing numerous serious personal issues, however these were not caused or attributable to the employer.

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.

DECISION:

The representative's decision dated February 26, 2008, reference 01, is affirmed. Claimant voluntarily quit under disqualifying conditions. Benefits are withheld until he has worked in and been paid wages equal to ten times his benefit amount, provided he is other wise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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