

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TIMOTHY J HUBBARD**  
Claimant

**APPEAL NO. 11A-UI-12728-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MASTERTSON PERSONNEL INC**  
Employer

**OC: 01-02-11**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the September 23, 2011, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on October 19, 2011. The claimant did participate. The employer did participate through (representative) Jim Robertson, Unemployment Operations Manager and Pat Walker, Recruiter.

**ISSUE:**

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was last assigned to work at Aspen Hills as a production worker full time beginning on September 7, 2011 through September 7, 2011 he voluntarily quit. The claimant worked two and one-half hours on the job then walked off because he did not like the job and thought it was boring. The claimant was upset that the supervisor had asked him to move to a different position on the production line. The claimant was obligated to work whatever position he was assigned. When leaving the facility claimant used profanity when speaking to the supervisor. The company's handbook and policy manual, a copy of which had been given to the claimant provides that walking off the job is grounds for termination.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

Iowa Code § 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(6), (21), (27) 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 § 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 § 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:

- (6) The claimant left as a result of an inability to work with other employees.
- (21) The claimant left because of dissatisfaction with the work environment.
- (27) The claimant left rather than perform the assigned work as instructed.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). The claimant's decision to quit the assignment because he did not like the work is not good cause attributable to the employer for leaving the employment. While claimant reported for an additional work assignment the next business day and meets the requirements of Iowa Code § 96.5(1)j, his leaving the assignment the day before was disqualifying and he had not yet earned ten times his weekly benefit amount (WBA) for the purposes of requalification.

While claimant's decision to quit may have been based upon good personal reasons it was not a good-cause reason attributable to the employer for leaving the employment. Benefits must be denied.

**DECISION:**

The September 23, 2011 (reference 03) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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