

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ADAM E MIDDLESWART
Claimant

APPEAL NO. 10A-UI-11139-H

**ADMINISTRATIVE LAW JUDGE
DECISION**

BYRON DEVRIES
DEVRIES WOODCRAFTERS
Employer

OC: 06/27/10
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

Adam Middleswart filed an appeal from a decision dated July 30, 2010, reference 01. The decision disqualified him from receiving unemployment benefits. After notice was issued, a hearing was held in Des Moines, Iowa on September 15, 2010. The claimant participated on his own behalf. The employer, Devries Woodcrafters, participated by Owner Byron Devries.

ISSUE:

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

FINDINGS OF FACT:

Adam Middleswart was employed by Devries Woodcrafters from September 7, 2007 until July 3, 2010 as a full-time furniture maker. The employer makes custom furniture to the specifications of the customers.

On June 3, 2010 Mr. Middleswart was working on a table. Owner Byron Devries noted that the table was not being made to the customer's specifications and he questioned Mr. Middleswart about it. Mr. Devries asked the claimant if he knew what he had done wrong and the claimant indicated he did not. The employer told him to think about it and they would discuss it later. Approximately 15 minutes later they met again and the claimant still did not know what he was doing wrong. Mr. Devries showed him what was out of specification but Mr. Middleswart indicated he did not know how to fix it. The employer again asked him to think it through and they met again in about a quarter of an hour. Mr. Middleswart indicated he still did not know how to fix it.

The employer then sent the claimant and the other employees to lunch and told the claimant they would talk about it afterward. When Mr. Middleswart came back from lunch he asked to speak with Mr. Devries privately and they went to the front of the shop. The claimant said he still did not know how he was going to fix the problem and he felt very frustrated. He felt he could not do the job any longer and that he had failed at this job. He indicated he would look for

more other work. At that point Mr. Devries told him to take the rest of the day off and to call in with the number of hours he had worked that pay period.

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.

The employer had no intention to discharge the claimant. Mr. Devries acknowledged that everyone made mistakes and the issue was to find them and to fix them. When Mr. Middleswart indicated that he was frustrated and he felt he could not do the job any longer and would look for another employment Mr. Devries sent him home. The employer's experience about when an individual employee has "given up" on the job it does no good for anyone to have that employee remain.

The claimant indicated he was discharged but there was nothing in the record to support this contention. Continuing work was available to him, the employer had no intention of reprimanding or firing him, only to find a way to fix the mistake that was made on the piece of furniture before giving it to the customer. The claimant indicated he had given up on the project and was frustrated by it and would look for more work. The claimant did not deny saying that he would look for more work only that he "did not remember" making that statement. The record establishes the claimant quit work without good cause attributable to the employer. Under the provisions of the above Code section he is disqualified.

DECISION:

The representative's decision of July 30, 2010, reference 01, is affirmed. Adam Middleswart is disqualified and benefits are withheld until he has requalified by earning ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

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