

Jay Christensen,
Claimant

Polaris Industries, Inc.,
Employer

**APPEAL 21A-UI-07649
21IWDUI2083
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/22/20
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 5, 2021 (reference 01) unemployment insurance decision that denied benefits based upon him voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on August 31, 2020. The claimant, Jay Christensen, participated personally. HR generalist Crystal Carlson appeared on behalf of employer Polaris Industries.

ISSUES:

Whether the separation was a layoff, discharge for misconduct, or voluntary quit without good cause.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

At some point in time in late 2020, Claimant was found to have committed a probation violation and was given the option to either spend 30 days in jail or to continue his probation for a longer period of time. Because he was then working on the assembly line for Polaris, he attempted to have discussions with his supervisors and HR about whether he would still have a job when he returned from his incarceration. Claimant felt like he was never given a straight answer and perhaps that he was misled about this question.

Regardless, sometime prior to December 4, 2020, Claimant chose to take the 30 days in jail based on his belief that he could use vacation time to cover it at work and to still have a job at Polaris when he returned. However, toward the end of his shift on December 4, HR generalist Abby Ortell came to speak to him about his incarceration time when he was on the assembly line. When Ortell informed Claimant that he would not have his job when he returned after 30 days away, Claimant became quite upset and his supervisor, Timothy Bengs, had to be called out to intervene. Ortell offered Claimant the option to fill out a voluntary quit statement, which would have allowed him to possibly return after his absence. However, he declined to submit this.

At this time, Claimant walked off the production line during active assembly without authorization stating simply "I'm done." He then began gathering up his belongings from his locker, swiped out at the time clock on the production line, and tossed his badge and fob to Ortell. Ortell and Bangs followed Claimant to make sure he left the facility.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 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.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

Iowa Admin Code r. 871-24.26(2), (4) provide:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

- (2) The claimant left due to unsafe working conditions.
- (4) The claimant left due to intolerable or detrimental working conditions.

Iowa Admin. Code r. 871-24.25 provides:

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 record shows that the Claimant voluntarily quit his employment in a moment of frustration after receiving a disappointing answer about his ability to return to work after a 30 day period of incarceration. HR informed Claimant NOT that he was being terminated at that time, but rather that he would not have a job when he returned from the days of absence. Claimant responded by walking off the production line without authorization during his work shift. He then cleaned out his locker and threw his badge and fob to Polaris representatives. This evinced an intent to discontinue the employment relationship immediately. He carried out an act showing that intention. There was no good cause for this action attributable to the employer.

DECISION:

The March 5, 2020 (reference 01) unemployment insurance decision is AFFIRMED.



David Lindgren
Administrative Law Judge

May 6, 2021
Decision Dated and Mailed

CC:

Joni Benson (email)
Nicole Merrill (email)
Jay C. Christensen, Claimant (by First Class Mail)
Polaris Industries Inc., c/o Talx Ucm Svcs Inc., Employer (by First Class Mail)

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.