

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CYRUS L JOHNSON
Claimant

APPEAL NO. 13A-UI-03315-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS ENTERPRISES INC
Employer

OC: 04/08/12
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Cyrus Johnson, filed an appeal from a decision dated March 13, 2013, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on April 18, 2013. The claimant participated on his own behalf. The employer, Wells Enterprises, participated by Operations Supervisor Joe Vanderham, Human Resources Manager Justin Dodge, Operations Manager Trent Brown and was represented by Equifax in the person of John Henson.

ISSUE:

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

FINDINGS OF FACT:

Cyrus Johnson was employed by Wells from December 10, 2012 until February 18, 2013 as a full-time general laborer. He had complained twice to Operations Supervisor Joe Vanderham about the other two workers on his shift not doing their share of the work. The supervisor spoke with these individuals and they agreed they could do better and accepted the feedback. Mr. Vanderham saw an improvement and Mr. Johnson did not bring any more concerns to his attention after the second complaint.

On February 18, 2013, the claimant became frustrated because the other two workers were elsewhere doing their jobs and not immediately available to help him. He went to Operations Manager Trent Brown and Operations Supervisor Mike Strasser and quit.

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.

871 IAC 24.25(6) and (21) provide:

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 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 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.

The claimant quit because he did not like the work environment. He did not feel as if he was getting the help he needed whenever he felt it was needed. The supervisor did respond to his complaints by counseling the other two workers and improvement was seen, even though Mr. Johnson did not feel it was up to his expectations.

There is no indication the employer found the other employees to be shirking their duties, only needing to do them more efficiently, and this was addressed. This resolution was not sufficient for the claimant and he quit rather than contact the human resources department or higher management. The record establishes the claimant quit without good cause attributable to the employer and he is disqualified.

DECISION:

The representative's decision of March 13, 2013, reference 02, is affirmed. Cyrus Johnson is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css