

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

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Appeal Number: 04A-UI-08533-SWT
OC: 07/18/04 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 5, 2004, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 26, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing. Mike Robison participated in the hearing on behalf of the employer with a witness, Richard Hays.

FINDINGS OF FACT:

The claimant worked full time for the employer as a trash hauler from November 11, 2003 to June 23, 2004. The claimant's job involved hauling large industrial trash containers, usually from construction sites.

The claimant voluntarily quit employment on June 23, 2004, after a customer had overloaded a trash container. This was a recurrent problem with many customers. It was the customer's obligation to make sure the debris was not piled over the top of containers. The claimant had complained repeatedly about customers overloading trash containers. The employer had repeatedly warned the customers about this practice because it was unsafe to haul high-piled loads. The high-piled containers were difficult to pull a tarp over, and there was a potential that trash could fall off the container when it was being hauled. The employer had told drivers, including the claimant, that they were not required to haul a load that was piled over the top of the container. The claimant quit because he believed the employer was not doing enough to get customers to follow the rules about overfilling trash containers. He also quit because he thought the employer should have an automatic tarping mechanism for the containers.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause 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.

The evidence fails to prove unsafe working conditions as the claimant alleged. The claimant was allowed to reject high-piled loads and the employer had warned customers and required them to unload high-piled loads in the past. It is difficult to see what more the employer could have done, other than discontinue serving a customer who repeatedly high-piled loads, which would be contrary to the employer's business interests. Good cause for quitting employment as defined by the unemployment insurance law has not been established in this case.

DECISION:

The unemployment insurance decision dated August 5, 2004, reference 01, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

saw/b