

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT W GUT
Claimant

APPEAL NO. 07A-UI-07497-N

**ADMINISTRATIVE LAW JUDGE
DECISION**

AGRI-SOLUTIONS INC
Employer

OC: 07-01-07 R: 01
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Robert Gut filed an appeal from a representative's decision dated July 24, 2007, reference 01, which denied benefits based upon his separation from Agri-Solutions, Inc. After due notice was issued, a hearing was held in Council Bluffs, Iowa on August 30, 2007. Mr. Gut participated personally. The employer participated by Jeremy Tibben, Human Resources Director, Jonathan Goddard, General Manager, and Randy Goddard, Company President. Exhibits One through Seven were marked and received into evidence.

ISSUE:

At issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from April 2000 until June 15, 2007 when he voluntarily left employment. Mr. Gut was employed on a full-time basis and was paid by the hour. He last held the position of director of operations. His immediate supervisor was Randy Goddard, Company President.

Mr. Gut left his employment with Agri-Solutions, Inc. on June 15, 2007 after a dispute with the company general manager, Jonathan Goddard, about the necessity that Mr. Gut's girlfriend sign a visitor's log because she was present on company property and had left her personal vehicle. The requirement that visitors to the employer's facility sign a visitor's list was required by state regulations due to the nature of the employer's business. The claimant believed that it was not necessary for his personal friend to sign the visitor's log as she was there only for a short period of time while picking the claimant up for lunch. Although the general manager attempted to explain the sign-in was only necessary when the visitor was at the facility "for awhile" or when the visitor got out of her vehicle, the claimant continued to be angry stating, "This is bullshit." When the general manager explained that it was a rule they all had to follow, Mr. Gut replied, "Not for long" whereupon Mr. Gut left the premises and did not return. After the claimant did not report for scheduled work and did not provide any additional notification for three or more

consecutive days, the employer reasonably concluded that Mr. Gut had relinquished his position with the company.

It is the claimant's position that the basis for his decision to leave was the failure of the company president, Randy Goddard, to be more available at the facility and especially available to handle Mr. Gut's concerns about safety concerns. It is claimant's further position that a number of safety concerns went unaddressed by the company and that stress caused by his employment caused the claimant to be anxious and ill.

The employer's facility had been inspected on a periodic basis by state counterparts of OSHA inspectors and had been inspected by the Iowa Department of Agriculture and the employer had received no significant safety violations or citations. In a meeting that was held the day preceding the claimant's leaving, Mr. Gut, while meeting with the company president, did not indicate any outstanding safety concerns and although the claimant at that time had provided a generalized six-months' notice of leaving for personal reasons, the claimant specifically indicated he was glad to be back at work and raised no significant concerns regarding his employment or safety.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes based upon the evidence in the record that the claimant's primary reason for leaving his employment on June 15, 2007 resulted from a disagreement and heated exchange between the claimant and Jonathan Goddard, the company's general manager. The general manager at that time reminded the claimant and urged him to have a visitor who was present sign the visitor's list, a list that was required by state statutes due to the nature of the employer's business. Mr. Gut had the preceding day indicated to his employer in general terms his intention to leave employment in the future to return to a different geographic area where he had family members.

Although the administrative law judge is cognizant that Mr. Gut maintains that safety concerns were his primary reasons for leaving, the administrative law judge finds that the evidence does not support this contention. Mr. Gut had the primary responsibility of insuring a safe work place in his position as director of operations and in the meeting preceding his leaving, the claimant did not raise any safety concerns with the employer. Although Mr. Randy Goddard was available by cell phone on a regular basis, Mr. Gut did not contact the company president in that manner nor indicate to the employer that he would leave employment if certain safety concerns were not met.

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.

For the reasons stated herein, the administrative law judge finds that the claimant's leaving took place under disqualifying conditions. While the claimant's reasons for leaving were undoubtedly good from his personal viewpoint, good cause attributable to the employer has not been established. The administrative law judge finds that the claimant's primary reason for leaving on June 15, 2007 was a disagreement with a reasonable company rule that requires visitors to sign a log when on the premises for any length of time or if the visitors did not remain in their vehicle.

There has been no showing that the employer applied this rule in an unequal way or in a manner so as to harass or treat unfairly Mr. Gut.

DECISION:

The representative's decision dated July 24, 2007, reference 01, is hereby affirmed. Good cause for leaving attributable to the employer has not been shown. Benefits are withheld until such time as the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly job insurance benefit amount, providing Mr. Gut satisfies all other conditions of eligibility.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs