

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOSHUA J KOSKO
Claimant

CAMPING WORLD RV SALES LLC
Employer

APPEAL NO. 18A-UI-08963-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/01/18
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 21, 2018, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 13, 2018.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: As claimant was the only participant in the hearing, all findings of fact are derived from claimant's testimony. Claimant last worked for employer on August 4, 2018. Claimant voluntarily quit his job on August 6, 2018.

Claimant stated that he quit his job because employer consistently made off color jokes, showed verbal hostility towards employees, was racially and sexually inappropriate, did not provide claimant training, and provided claimant with no work schedule. Claimant attempted to address his sales manager on these subjects, but no changes were made which would allow claimant to be successful and not uncomfortable at work.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

The administrative law judge holds that the evidence established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer refused to provide adequate training to claimant in spite of repeated requests. Additionally, claimant's boss consistently referred to co-workers with derogatory and insensitive remarks.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In the instant case, claimant's litany of reasons that formed the foundation for his quit were not refuted by employer in any manner. As such, the information averred by claimant does satisfy the Code's requirements for "good cause" reasons for his quit.

DECISION:

The decision of the representative dated August 21, 2018, reference 02, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn