

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**STEVEN M UNDERWOOD**  
Claimant

**ABRH LLC**  
Employer

**APPEAL 15A-UI-06480-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/24/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 5, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on July 6, 2015. Claimant participated. Employer participated through hearing representative Thomas Kuiper and General Manager Wayne Wingett.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time as a crew trainer from March 27, 2014, and was separated from employment on May 20, 2015, when he voluntarily quit his employment.

Throughout his employment, claimant was assigned to work 14-hour shifts, observed drug use on the premises, was offered drugs and alcohol, and had complained about a co-worker harassing him. However, none of these issues were problems for claimant during the last two months of his employment.

On May 11, 2015, claimant put in a two-week notice ending his employment on May 25, 2015. Claimant was set to transfer to one of employer's stores in Colorado Springs, Colorado.

The last day claimant worked, May 18, 2015, was very stressful for him. The ticket times were very slow due to a cook who was underperforming. Claimant's tips were negatively affected. Claimant complained to the managing supervisor, but she did not rectify the situation. Claimant walked off the shift approximately one and one-half hour early.

Claimant was next scheduled to work on May 20, 2015. Claimant has Bipolar I disorder and is a recovering alcoholic and addict. Claimant was afraid the stress from work was becoming detrimental to his conditions. No doctor or other health professional advised claimant he

needed to quit his job. Claimant did not discuss the effect of work stress on his medical conditions with his manager. Claimant did not come in to work on May 20, 2015, or thereafter.

Continued work was available to claimant had he not resigned.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.26(4) provides:

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:

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

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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).

In this case, claimant voluntarily quit his employment because of the stress he experienced during the May 18, 2015, shift. Claimant's allegations that he quit because of long shifts with no breaks, drug use, offers of drugs and alcohol, or harassment are not credible as these are issues that either were resolved or did not come to a head at any time near the end of his employment.

While the working conditions on May 18, 2015, may have been stressful to claimant, they would not cause a reasonable person to voluntarily end his employment. Claimant was concerned about his medical conditions, but had not received any advice from a health professional stating he needed to quit his employment or discussed the effect of work stress on his medical conditions with his manager.

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law.

**DECISION:**

The June 5, 2015, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Decision Dated and Mailed

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