

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRAD F CURBY
Claimant

MARK BIRDNOW INC
Employer

APPEAL NO. 12A-UI-12024-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/09/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(21) – Dissatisfaction with Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated October 2, 2012, reference 01, that held he voluntarily quit without good cause on August 23, 2012, and benefits are denied. A hearing was held on October 31, 2012. The claimant participated. Jeremy Birdnow, COO, and Sheila Knutson, Office Manager, participated for the employer.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds that: The claimant started work on July 26, 2006 and last worked as a full-time GM on August 23, 2012. Employer representatives called claimant into a meeting on August 22 to question him about his demeanor and behavior. Claimant considered the questioning to be a personal attack against his character. The meeting was adjourned.

The next morning the employer continued the meeting with questions for the claimant about the condition of his demonstrator car. Claimant considered the questioning a continuing pattern of personal attacks against him. He got up, said he was done, left the meeting and the workplace. An office manager heard claimant say as he left the meeting, "I don't need this bullshit" and left work. Claimant returned later for his keys and cell phone. He returned later for his personal effects that the employer had boxed-up for him. Later that evening, claimant appeared at CCO Birdnow's residence offering a statement "I guess I'm done."

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(21) provides:

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:

(21) The claimant left because of dissatisfaction with the work environment.

The administrative law judge concludes that the claimant voluntarily quit without good cause attributable to his employer when he left due to job dissatisfaction on August 23, 2012.

The claimant responded in a negative manner when he was questioned by the employer during meetings on August 22 and 23. He considered the questioning to be personal attacks rather than constructive criticism to the point he unreasonably concluded he was being forced out. There is no evidence the employer terminated claimant or forced him to resign. Claimant's decision to leave the meeting on August 23 was a knee-jerk reaction to the employer questioning him about his workplace behavior.

DECISION:

The decision of the department representative dated October 2, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on August 23, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css