

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAN R LECKBAND**  
Claimant

**APPEAL NO: 14A-UI-05654-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WILMES SERVICES INC**  
Employer

**OC: 05/04/14**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Dan R. Leckband (claimant) appealed a representative's May 28, 2014 decision (reference 01) which concluded he was not qualified to receive unemployment insurance benefits after a separation from employment with Wilmes Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 25, 2014. The claimant participated in the hearing and presented testimony from one other witness, Brian Rich. Mike Wilmes appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit for a good cause attributable to the employer?

**OUTCOME:**

Affirmed. Benefits denied.

**FINDINGS OF FACT:**

The claimant started working for the employer on November 18, 2013. He worked full time hours as a store clerk in the employer's retail hardware business. His last day of work was May 2, 2014. He voluntarily quit as of that date.

The claimant was to work a shift from 10:00 a.m. to 5:00 p.m. on May 2. Shortly before noon the owner, Wilmes, went past the claimant when he was outside with a customer with a lawn mower. The claimant was pulling on the starter rope. When the claimant came in a short time later and Wilmes asked about the mower, the claimant said that the customer had gotten it going himself and did not need to leave the mower for service. Wilmes challenged the claimant on this, accusing him of lying because he had seen the claimant pulling on the starter rope, and indicating that he hated liars. He proceeded to re-accuse the claimant of writing a name on a poster in the break room that the claimant had previously denied doing. The claimant decided that he had had enough and decided to quit and leave, and did so. Contributing to his decision

was that he felt he was routinely criticized for his work, even though no actual warnings or discipline had been given to him, and a displeasure over comments Wilmes would make from time to time about the claimant being a “bear in a cage,” a reference that had come from another acquaintance of the claimant; the claimant had not previously expressed concern to the employer about the comments or how he felt he was being treated.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. Rule 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. Rule 871 IAC 24.25(21), (22). Quitting because a reprimand has been given is not good cause. Rule 871 IAC 24.25(28). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer’s work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). The claimant has not satisfied his burden. Benefits are denied.

**DECISION:**

The representative’s May 28, 2014 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of May 2, 2014, benefits are withheld until such time as the claimant 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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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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