

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MOHAMED OUAHBI
Claimant

ALPLA INC.
Employer

APPEAL 21A-UI-24267-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/26/21
Claimant: Appellant (1)**

Iowa Code §96.5(2)a-Discharge/Misconduct
Iowa Code §96.5(1)-Voluntary Quit

STATEMENT OF THE CASE:

On November 1, 2021, the claimant/appellant filed an appeal from the October 22, 2021, (reference 01) unemployment insurance decision that denied benefits based on claimant voluntarily quitting because he was dissatisfied with his work conditions. The parties were properly notified about the hearing. A telephone hearing was held on December 27, 2021. Claimant participated at the hearing. Employer did not call in to participate during the hearing. Administrative notice was taken of claimant's unemployment insurance benefits records.

ISSUE:

Was the separation a voluntary quit with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on July 17, 2020. Claimant last worked as a full-time electrical apprentice. Claimant was separated from employment on September 27, 2021, when he voluntarily quit.

Claimant was informed by his supervisor Scott Tigges that he would be required to change the filters on the machines. Claimant was unhappy with this job because it involved him continuously being in an environment that is dusty and hot. Claimant informed Mr. Tigges that he would not continue to work in the environment and asked to be moved to a different position. Mr. Tigges refused to move claimant to another job position. Claimant was also unhappy with being put in the position because he had a college degree and other co-workers without a degree were not assigned to perform the job of changing filters on the machine. Claimant resigned by giving his verbal resignation to Julie Underwood.

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. Benefits are denied.

Iowa Code section 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.

Iowa Admin. Code r. 871-24.25(21), and (27) provides, in relevant part:

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.

(27) The claimant left rather than perform the assigned work as instructed.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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).

Claimant became unhappy when his supervisor assigned him to change the filters on the machines. Claimant did not want to perform the job because he believed it would not advance his career and he thought other employees without college degrees should be performing the job. Additionally, claimant did not want to work in the environment where it was dusty and hot. Claimant believed it would be detrimental to his health. The claimant did not provide any evidence of how the work environment was detrimental to his health. Ultimately claimant left because of his dissatisfaction with the work environment, and he did not want to perform the assigned work as instructed. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

DECISION:

The October 22, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left his 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.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

January 25, 2022
Decision Dated and Mailed

cs/mh

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.