

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANNY R THOMSEN**  
Claimant

**APPEAL NO. 07A-UI-10427-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DIAMOND TRANS SYSTEM INC**  
Employer

**OC: 10/21/07 R: 04  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated November 8, 2007, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on November 28, 2007. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Exhibit A was admitted into evidence.

**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 having considered all of the evidence in the record, finds: Claimant last worked for employer on October 22, 2007. Claimant quit because of dangerous and detrimental working conditions. Claimant drove a truck for the employer. The trucks were not well maintained. Claimant warned the employer that he would quit if the truck was not in good repair. The trucks had leaky exhaust pipes, broken steps and missing air horns. The repair problems were in violation of DOT regulations. Employer failed to fix the problems notwithstanding multiple complaints.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of dangerous and detrimental working conditions. The failure to repair the trucks in a timely manner creates an unsafe working environment. Since claimant gave employer adequate notice of the problems, this is a quit for good cause attributable to employer. Benefits allowed.

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 24.26(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.

**DECISION:**

The decision of the representative dated November 8, 2007, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw