

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PATRICK G BREHM
Claimant

KASTIM CORPORATION
Employer

APPEAL 19A-UI-08857-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 10/20/19
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On November 11, 2019, Patrick Brehm (claimant) filed a timely appeal from the November 7, 2019 (reference 01) unemployment insurance decision that found claimant was not eligible to receive unemployment insurance benefits. Specifically, the decision found claimant voluntarily quit on August 5, 2019 without good cause attributable to employer.

A telephone hearing was held on December 5, 2019. The parties were properly notified of the hearing. The claimant participated personally. Kastim Corporation (employer) participated by Owner Corey Kasch. Claimant's Exhibits 1-4 were admitted.

ISSUE(S):

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant worked for employer as a full-time maintenance employee beginning April 4, 2019. His direct supervisor was Store Manager Krista Schmidt. The last day claimant worked for employer was August 4, 2019. On August 6, claimant called Shift Manager Madison Kidd and informed her that he was quitting. He did not give a reason for his quitting.

Claimant quit because of the conduct of coworker Chad and his belief that he was not appropriately trained and did not have the supplies he needed to complete his job. Claimant had in the past spoken with Kasch about issues with coworker Chad, who was dissatisfied with his job and sometimes swore in claimant's presence. However, Chad did not ever threaten or swear at claimant directly. Kasch did speak with Chad about his language at work. Claimant was also frustrated that he did not have access to certain supplies and training, which sometimes made his work more difficult to do than he would have preferred. However, claimant was never disciplined and his job was not in jeopardy due to failure to complete any job duties.

Claimant's quitting was due to his dissatisfaction with the work environment. It was not with good cause attributable to employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the November 7, 2019 (reference 01) unemployment insurance decision that found claimant was not eligible to receive unemployment insurance benefits is AFFIRMED. Claimant voluntarily quit without good cause attributable to employer. He is disqualified from receiving unemployment insurance benefits until he earns wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements.

Iowa Code section 96.5(1)a 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 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.

Iowa Admin. Code r. 871-24.26 provides in relevant part:

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:

- (2) The claimant left due to unsafe working conditions.
- (3) The claimant left due to unlawful working conditions.
- (4) The claimant left due to intolerable or detrimental working conditions.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). "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". *Id.* (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)).

“Good cause” for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 S.2d 827 (Florida App. 1973). While a notice of intent to quit is not required to obtain unemployment benefits where the claimant quits due to intolerable or detrimental working conditions, the case for good cause is stronger where the employee complains, asks for correction or accommodation, and employer fails to respond. *Hy-Vee Inc. v. EAB*, 710 N.W.2d 1 (Iowa 2005).

Claimant has not met his burden of showing his quitting was with good cause attributable to the employer. While the administrative law judge is sympathetic to claimant’s frustration with the working environment, the environment did not rise to the level of being unsafe or unlawful, and a reasonable person would not have found the working conditions to be intolerable or detrimental. Instead, the administrative law judge finds claimant voluntary left employment due to dissatisfaction with the work environment, which does not constitute good cause attributable to employer.

DECISION:

The November 7, 2019 (reference 01) unemployment insurance decision that found claimant was not eligible to receive unemployment insurance benefits is AFFIRMED. Claimant voluntarily quit without good cause attributable to employer. He is disqualified from receiving unemployment insurance benefits until he earns wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements.

Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

Decision Dated and Mailed

abd/scn