

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RIGOBERTO CEJA**  
Claimant

**APPEAL NO. 09A-UI-02783-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALLIED CONSTRUCTION COMPANY INC**  
Employer

**Original Claim: 01/11/09  
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Rigoberto Ceja (claimant) appealed a representative's February 13, 2009 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Allied Construction Company (employer). The claimant participated personally through Ike Rocha, Interpreter. The employer did not provide a telephone number where it could be reached and, therefore, did not participate in the hearing.

**ISSUE:**

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on or about April 6, 2008, as a full-time laborer. The claimant only worked three days for the employer. The claimant worked from 7:00 a.m. to 5:00 p.m. with no breaks. The employer did not allow any 15-minute breaks or lunch breaks.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons, the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer.

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.

The law presumes a claimant has left employment with good cause when he quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). It would be reasonable for the employee to inform the employer about the conditions the employee believes are intolerable or detrimental and to have the employee notify the employer that he intends to quit employment unless the conditions are corrected. This would allow the employer a chance to correct those conditions before a quit would occur. However, the Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. Hy-vee, Inc. v. Employment Appeal Board and Diyonda L. Avant, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant was not allowed any breaks during three ten-hour work days. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits.

**DECISION:**

The representative's February 13, 2009 decision (reference 01) is reversed. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw