

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RIDGE C MADDISON**  
Claimant

**APPEAL NO. 12A-UI-13487-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**C L CARROLL CO INC**  
Employer

**OC: 08/05/12**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated November 5, 2012, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on December 11, 2012. The claimant participated personally. The employer participated by Mr. Jon Rissman, Company President and Mr. Tim Stoll, Job Superintendent.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Ridge Maddison was employed by the C. L. Carroll Company from August 10, 2009 until July 9, 2012 when he voluntarily left his employment by walking off the job without authorization. Mr. Maddison was employed as a full-time laborer and was paid by the hour. His immediate supervisor was Tim Stoll.

Mr. Maddison walked off the job site prior to noon on Monday, July 9, 2012 after the project superintendent, Mr. Stoll, questioned the claimant and other workers about changing the height of a company trailer on the job site. The superintendent had backed into the trailer while attempting to reattach it not realizing that an employee had changed the height of the trailer and Mr. Stoll had issued a general warning to all workers not to do so in the future. The claimant, who had changed the height of the trailer over the weekend, felt that the comments were directed towards him personally and felt threatened because Mr. Stoll was angry about the matter.

Mr. Maddison went to the job site's work office where he summoned a ride away from the work site leaving the work site without the authorization of his supervisor or providing a reason to his supervisor for leaving.

Mr. Maddison then went to the company's offices in Des Moines where he obtained his paycheck. Although the claimant had the opportunity to indicate to a secretary that was on duty why he was leaving, Mr. Maddison did not do so leaving the employer with the conclusion that he had voluntarily quit employment.

Mr. Maddison began sending text messages to the superintendent complaining about the superintendent's actions. One and one-half days later the claimant sent a text message to the company president requesting his job back. The claimant's position had been filled at that time.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant voluntarily left employment without 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 24.25(28) provides:

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:

(28) The claimant left after being reprimanded.

871 IAC 24.25(22) provides:

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:

(22) The claimant left because of a personality conflict with the supervisor.

The claimant has burden of proving that the voluntary leaving was for a good cause attributable to the employer. Iowa Code section 96.6-2. An individual who voluntarily leaves their employment must first give notice to the employer of their reasons for quitting in order to give

the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). Claimants are not required to give notice of intention to quit due to intolerable, detrimental or unsafe working environments if the employer had or should have had reasonable knowledge of the condition. Hy-Vee v. Employment Appeal Board, 710 N.W.2d 1 (Iowa 2000). In determining whether an individual has quit due to intolerable or detrimental working conditions the test is whether a reasonable person would have quit under these circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988).

The evidence in the record establishes that the working conditions were not intolerable or unsafe but does establish that the claimant was upset that he had been reprimanded along with other employees about a situation where the height of a trailer had been changed causing damage to a company truck. The evidence does not establish that Mr. Maddison was subjected to a physical threat sufficient to make a reasonable person believe that his safety or wellbeing was in jeopardy. The claimant had the opportunity to speak with his immediate supervisor later that morning as Mr. Maddison was waiting for his ride away from the job site but did not speak to his supervisor about the matter. The claimant did not inform the company headquarters of the reason for his leaving the job site without authorization although he had the opportunity to do so. After the claimant left without authorization and did not again contact the employer for one and one-half working days the employer was reasonable in concluding the claimant had quit his job. Good cause for leaving attributable to the employer has not been shown. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated November 5, 2012, reference 01, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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