

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

IRVING G HOWARD
Claimant

LITTLE DONKEYS INC
Employer

APPEAL NO. 14A-UI-09785-GT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/19/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 16, 2014, reference 07, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 9, 2014. Claimant participated. Employer participated by Lynn Hennings, Senior District Manager. Employer's Exhibit One 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 considered all of the evidence in the record, finds: Claimant last worked for employer on August 25, 2014. Claimant was working the night shift and was preparing to clean the restaurant in preparation for the next day. Claimant's supervisor David Batchelder had told claimant that he would come in during the evening to help with the work. Mr. Batchelder did not arrive until after 1:00 a.m. after claimant had done much of the work.

Claimant was upset with Mr. Batchelder and their discussions about the evening's work turned into an argument. Claimant told Mr. Batchelder that he was leaving the restaurant before his work was done, and his shift was over. Mr. Batchelder told claimant that if he left work before his shift was over, he would be abandoning his job and quitting. Claimant put his keys to the restaurant down on the counter and left. Claimant did not return to work after that date.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he did not like how his manager ran the business.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(22) and (27) provide:

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 § 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 § 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.

(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). 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's leaving the employment without notice or reason renders the separation without good cause attributable to the employer. Claimant turned in his keys and left the premises and did not return for work.

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer. Benefits are denied.

DECISION:

The decision of the representative dated September 16, 2014, reference 07, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/css