

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SCOTT K KEOMANIVONG
Claimant

ALFAGOMMA AMERICA INC
Employer

APPEAL NO. 15R-UI-05185-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 01/25/15
Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 10, 2015, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 18, 2015. Claimant participated, and had witnesses Sylvia Graber, and Shane Nichols. Employer participated by Kristee Adam.

Employer appealed this matter to the Employment Appeals Board. The Board stated, “There was an allegation of interference with one of Claimant’s witnesses, Heather Cousins, for which the Board found the record sufficiently corroborated as to give this allegation weight. In order to resolve this concern and give a more complete record, the Board shall remand this matter so that the administrative law judge *may* subpoena Heather Cousins to obtain her testimony on the merits as well as testimony regarding the allegation of interference.” (Italics added for emphasis).

The court received contact information from employer and claimant. Employer answered the phone and claimant did not. The court did not intend to call the person who was not initially subpoenaed. Claimant got back into contact with the court after more than a half hour had passed. Claimant said he was in a meeting and couldn’t come to the phone. The court told employer that it would not hold a hearing after a half hour had passed, and employer could go about their day. The court did not hold a hearing for additional 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 January 19, 2015. Claimant offered his resignation on that date, effective immediately.

Claimant worked for employer for approximately nine months. The job for which claimant was hired was not an exact fit for claimant’s experience and skills. The general manager for

employer treated employees, and especially claimant in a rather gruff manner on occasion. The general manager did not testify as to any of his meetings with claimant, but claimant stated that at those meetings he was often berated, called stupid, and belittled. Claimant had a witness who testified to the general manager calling claimant "stupid" in front of others, and throwing a piece of a pipe in claimant's direction.

Claimant's high blood pressure, anxiety, and sleeplessness were testified by claimant's nurse practitioner to have been exacerbated by claimant's confrontational encounters with his general manager. In addition, claimant attributed nausea, diarrhea, and vomiting to his experiences with his manager.

When claimant resigned, he gave indication to other coworkers that he would soon have a job. Claimant refused to tell his general manager about his resignation as he feared the man.

REASONING AND CONCLUSIONS OF LAW:

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. 871-24.26(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.

Where a claim gives numerous reasons for leaving employment Iowa Workforce is required to consider all stated reasons which might combine to give the claimant good cause to quit in determining any of those reasons constitute good cause attributable to the employer. Taylor v. Iowa Department of Job Service, 362 N.W.2d 534 (Iowa 1985). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Fla. App. 1973). Employees can be confronted by their managers without those confrontations constituting "good cause" for quitting employment. In this case, the confrontations amounted to much more than just a manager attempting to motivate his employee for a higher level of performance. Here the uncontroverted evidence given was that claimant, on at least four different occasions, went to his manager who was very intimidating to ask for a more reasoned response. The manager consistently belittled claimant both publicly and privately. This led to claimant's quitting.

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 his general manager consistently belittled claimant both in private and in front of coworkers.

DECISION:

The decision of the representative dated February 10, 2015, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs