ROBERT L ALEXANDER
Claimant

APPEAL NO. 14A-UI-05800-SWT

ADMINISTRATIVE LAW JUDGE
DECISION

JTV MANUFACTURING INC
Employer

OC: 05/11/14
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 30, 2014, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on June 25, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Shane Habben participated in the hearing on behalf of the employer with witnesses, Dennis Orthmann and Erin Campbell.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked as a CNC Machinist for the employer from August 19, 2013, to May 12, 2014. Erin Campbell was the claimant's supervisor. Rian Vos is the owner of the business.

On May 12, 2014, the claimant had a discussion with Campbell about a raise. His starting rate of pay was $16 per hour. The claimant got a one dollar per hour raise in December 2013, and Campbell told the claimant that he would try to get the claimant more money. The claimant had followed up with Campbell afterward about the raise because he felt the employer was adding more and more job duties to his position, but Campbell just replied that he would talk to Vos and never got back to him.

On May 12, the claimant insisted that they discuss his raise. He told Campbell that after lunch if there was no one willing to discuss his wages, he was going to leave for the rest of the day. He mentioned that another employee had recently got a raise. Campbell told him that he was done if he left work. The claimant also requested a job description because he was overwhelmed with the extra job duties given to him. Campbell contacted Vos, and Vos returned to the office to meet with the claimant.

The employee who had told the claimant that he had received a raise was also brought into the meeting with the claimant, Campbell, and Vos. Vos was extremely angry and told the employee that he was taking away his raise because he had talked to the claimant about it. He also told

the claimant that he was not "going to get a fucking penny." When the claimant requested his job description, Vos retorted in a loud hostile voice that, "Your job description is whatever the fuck I tell you to do." Next, Vos angrily told the claimant that he had two options, "go out to the plant floor and to do whatever the fuck I tell you to do or leave." During the meeting, Vos was red-faced with anger and aggressively pointed his finger at the claimant.

The claimant chose to leave his employment because of the intolerable working conditions created by Vos' outburst of temper on May 12. He also had safety concerns regarding equipment but that is not what triggered his quitting.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

871 Iowa Administrative Code 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 evidence establishes that the claimant in this case left due to intolerable or detrimental working conditions. The owner's conduct violated the standards of civil behavior the claimant had to right to expect of a business owner. He quit with good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated May 30, 2014, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs