

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LARRY D SMITH
Claimant

HYPRO INC
Employer

APPEAL NO. 12A-UI-06531-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/29/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a decision of a representative dated May 23, 2012, reference 01, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 27, 2012. Claimant participated. The employer participated by Angie Maus, human resources manager in Cedar Falls, and Leon Mardanes, fan drive production manager. The record consists of the testimony of Larry Smith; the testimony of Angie Maus; and the testimony of Leon Mardanes.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a CNC machine shop. The claimant was hired on June 13, 2011, as a full-time machine operator. His last day of work was March 15, 2012. He voluntarily quit his job on March 15, 2012.

The claimant was under investigation for complaints from his fellow employees. In particular the complaints were that he disregarded other employees; used excessive amounts of profanity; mocked a female employee; created a hostile work place; and being away from his machine for excessive periods of time. He was asked to come to a meeting to discuss these complaints on March 15, 2012. The meeting was held. The claimant got very upset and decided to quit his job.

REASONING AND CONCLUSIONS OF LAW:

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act

carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence is uncontroverted that it was the claimant who initiated the separation of employment. He decided to quit his job after a meeting was held to discuss complaints made against him by other employees. The employer did not terminate the claimant. Although the claimant alleges that he felt he was being harassed on the job, there is no credible evidence to support that allegation. The claimant simply got upset because complaints were made against him that he felt were not well-founded. An employer has the right to investigate complaints made by other employees. The claimant may not have agreed with those complaints and the process may not have been a pleasant one for him. But there is no evidence that what the employer or other employees did rises to the level of harassment. Accordingly, the claimant is deemed to have voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The decision of the representative dated May 23, 2012, reference 01, 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.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/pjs