

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WILLIAM W EWALD
Claimant

RELIANT PROCESSING LTD
Employer

APPEAL 19A-UI-05361-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/02/18
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On July 5, 2019, the claimant filed an appeal from the June 26, 2019, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit his employment. The parties were properly notified of the hearing. A telephonic hearing was held on July 30, 2019. The claimant, William W. Ewald, participated. The employer, Reliant Processing, Ltd., participated through Brenda Woosley, HR Manager.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time, most recently as a truck driver, from January 28, 2019, until February 1, 2019, when he quit. Claimant quit effective immediately. He called Jack, the hiring manager, and told him that the job was not for him. Continued work was available, had claimant not quit his employment.

Claimant was offered housing as part of the position. He did not realize that this housing was in a bunkhouse, with between six and eight people per room. Claimant did not want to sleep in this type of set-up, as he has problems sleeping and was concerned he would bother his roommates. Claimant also could have slept in his truck, but he did not like that the truck had cameras. Claimant also expressed a desire to be closer to his family.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation was without good cause attributable to the employer. Benefits are withheld.

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 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: ...

(2) The claimant moved to a different locality.

...

(21) The claimant left because of dissatisfaction with the work environment.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "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. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). In this case, claimant left his position with the employer because of the housing situation and because he wanted to be closer to his family. While these are good personal reasons to leave a job, neither of these is fairly attributable to the employer.

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 contacted Jack and told him that the job was not for him and he was quitting. Claimant then stopped coming to work. The evidence in the record shows that claimant quit his employment without good cause attributable to the employer. Benefits are withheld.

DECISION:

The June 26, 2019, (reference 01) unemployment insurance decision is affirmed. Claimant separated from employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn