

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JUNIOR N NGONGO
Claimant

APPEAL NO: 19A-UI-01671-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TPI IOWA LLC
Employer

OC: 02/03/19
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 21, 2019, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on March 12, 2019. The claimant participated in the hearing with CTS Language Link Interpreter Serine (10686). Danielle Williams, Senior Human Resources Coordinator participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time spar-cap for TPI Iowa from April 24, 2017 to December 27, 2018. He voluntarily left his employment due to dissatisfaction with the work environment.

At the time of hire, the claimant and other employees in his department moved product by manual carts. The employer then obtained some electric carts which the department used but those carts broke down after about one month and the claimant and other employees in his department had to use the manual carts again. The claimant was upset about using the manual carts and felt the employer did not have enough employees assigned to his department.

Additionally, the claimant's fiancé and children moved to Sioux Falls, South Dakota, in April 2018. When the claimant left his job with this employer he moved to Sioux Falls to be with his family. He told the employer he was leaving for that reason.

The employer had continuing work available.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the claimant was dissatisfied with the work environment, the employer did not have electric carts when he was hired nor were employees promised electric carts. The employer tried to use electric carts but could not keep them running and was forced to return to manual carts. Although the claimant and his co-workers preferred the carts because it made the job "easy" the employer could not provide electric carts routinely. The claimant's family also moved to South Dakota in April 2018 and he had plans to join them and is living there now. That was the reason the claimant cited to the employer for leaving his job. Neither leaving due to dissatisfaction with the work environment or leaving to move to another locale with his family is considered a good cause reason for leaving his employment. Consequently, the administrative law judge must conclude the claimant has not demonstrated that his leaving was for good cause attributable to the employer, as that term is defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The February 21, 2019, reference 01, decision is affirmed. The claimant voluntarily left his 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn