

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GREGORY L KAUFMAN
Claimant

APPEAL NO: 18A-UI-11056-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARE INITIATIVES
Employer

OC: 10/14/18
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 2, 2018, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on November 28, 2018. The claimant participated in the hearing. Lori Harvey, Administrator; Annette Harvey, Dietary Supervisor; and Raul Ybanez, Employer Representative; 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 cook for Care Initiatives from April 7, 2015 to July 30, 2018. He voluntarily left his employment because he felt disrespected by co-worker/cook Regina. He stated that during the course of his three year employment with Care Initiatives, Regina told him he was doing something wrong in front of a trainee on approximately 10 occasions. He does not recall if he mentioned the situation to Dietary Supervisor Annette Harvey. On July 30, 2018, he notified the nurse he was quitting effective immediately. The claimant had not received any recent warnings and his job was not in jeopardy at the time he left.

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.

The claimant was dissatisfied with the work environment. He has not demonstrated that his leaving was for unlawful, intolerable, or detrimental working conditions, as is required by Iowa law before a leaving can be considered for good cause attributable to the employer. While he was unhappy with Regina's treatment of him, he has not shown that her actions created a hostile work environment within the meaning of the law. Therefore, benefits must be denied.

DECISION:

The November 2, 2018, 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