

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARK A STANGL

Claimant

APPEAL NO: 13A-UI-07441-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS AG SUPPLY LLC

Employer

OC: 05/19/13

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

871 IAC 24.25(21) – Dissatisfaction of the Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 12, 2013, reference 01, that held he voluntarily quit employment without good cause on April 8, 2013, and benefits are denied. A telephone hearing was held on July 29, 2013. The claimant participated. Grant Wells, Owner/Manager, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record finds: The claimant was hired on November 1, 2011, and last worked for the employer as a full-time warehouse manager on April 8, 2013. Claimant told some co-workers on Friday April 5 that this would be his last day.

When claimant came into work on April 8, he raised some pay issues with the employer. He also had complaints with the legality of the employer operations. The pay issues originated with claimant during the first six months of employment. The employer granted claimant a salary increase on June 1, 2012 to \$1,961.50 and claimant had no issue with it through the remainder of his employment.

The employer provided claimant and other employees with no charge for health insurance. Effective January 1, 2013 it required claimant and other employees to pay \$43.64 to maintain coverage with the option to decline it. Claimant did not notice the pay deduction for about a month and one-half and then he questioned the CFO about it. The health care premium deduction continued through the remainder of his employment. He chose not to opt out of the health care program and the payment requirement.

Claimant had some issues with EPA chemical container regulations, and OSHA. He could not provide any specific regulation violation. The employer denies it. He did not report any violation

to EPA or OSHA, and he could explain how any regulation affected his employment. There is no evidence the employer was cited for any violation.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

871 IAC 24.25(21) 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:

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

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on April 8, 2013 due to job dissatisfaction. The law requires that all of claimant reasons for quitting be considered in order to determine whether any one is with good cause.

The claimant had pay and work place environment issues but he accepted those conditions during the greater period of his employment. He acquiesced on the pay, health premium and work environment issues by continuing his employment without complaint. He gave no notice he was quitting to management he was quitting on April 8.

Claimant was unable to establish the employer violated any EPA or OSHA regulation, and there is no evidence of any citation. Claimant could not show how any work environment issue affected his employment.

All of the reasons offered by claimant for quitting and none constitute good cause for quitting.

DECISION:

The department decision dated June 12, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on April 8, 2013. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css