

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSHUA A PICKERING**  
Claimant

**APPEAL NO: 12A-UI-04852-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA ENERGY FARMS LLC**  
Employer

**OC: 04/01/12**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(21) – Dissatisfaction of the Work Environment

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated April 20, 2012 reference 01 that held he voluntarily quit employment with good cause on March 30, 2012, and benefits are allowed. A telephone hearing was held on May 17, 2012. The claimant did not participate. Mark Hoffman, Owner, 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 began employment on August 25, 2011 and last worked for the employer as a full-time local driver on March 30, 2012. The claimant quit without notice. On his last day, he loaded his truck with diesel fuel from a tank that is labeled for farm use only rather than the tank labeled for truck use only. He blew a tire on his truck and rather than trying to repair it, he continued to drive his truck causing more than \$5,000.00 damage.

When he turned in his truck at the end of the day, the owner discovered what happened and had claimant's truck fuel siphoned and re-filled with the proper fuel. He called claimant to confront him about what he done, and the claimant responded "I quit".

Claimant failed to respond to the hearing notice. He has not attempted to claim for and receive any benefit.

**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 March 30, 2012 due to job dissatisfaction.

The claimant tried to create a situation where he could quit with good cause attributable to the employer; blame it on the employer and then receive unemployment benefits. Putting fuel in his truck clearly marked as farm use only is a deliberate act of malfeasance by claimant. Driving his truck on a blown tire is contrary to a standard of behavior the employer has a right to expect. The employer had the right to confront claimant with his mis-deeds, and the response of quitting is without good cause.

**DECISION:**

The department decision dated April 20, 2012, reference 01, is reversed. The claimant voluntarily quit without good cause attributable to the employer on March 30, 2012. 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.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs