

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

RYAN W BOEHMER  
509 CLINTON ST  
CHARLES CITY IA 50616

WINNEBAGO INDUSTRIES  
PO BOX 152  
FOREST CITY IA 50436-0152

Appeal Number: 04A-UI-10550-DT  
OC: 08/29/04 R: 02  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Ryan W. Boehmer (claimant) appealed a representative's September 17, 2004 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Winnebago Industries (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 19, 2004. The claimant participated in the hearing. Gary McCarthy appeared on the employer's behalf. During the hearing, Employer's Exhibit One was entered into evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on February 2, 2004. As of approximately mid February, he worked full time as an assembler on the third shift at the employer's Charles City, Iowa mobile home part manufacturing facility. His last day of work was the shift that began at 10:00 p.m. on April 21 and was scheduled to end at 6:00 a.m. on April 22, 2004.

At approximately midnight on the shift that started at 10:00 p.m. on April 21, the claimant's supervisor called the claimant in to meet. The supervisor began by giving the claimant a warning regarding a tardy from the prior day. He then accused the claimant of causing \$3,000.00 of damage to some doors. This discussion continued for approximately 45 minutes. The supervisor wanted to know what the claimant was going to do to rectify the problem with the doors. The claimant denied responsibility for the damage. Finally, due to the supervisor's continued questioning about the damage plus other problems, the claimant said he would just quit. The supervisor then found the necessary paperwork, which the claimant filed out. In the space for him to provide the reason for leaving, the claimant put, "need to take care of personal problems before being 100% proficient at work." He said this as an excuse to avoid an uncomfortable situation with the supervisor, as the real reason the claimant was quitting was because the claimant did not feel that the supervisor was doing his job properly. After completing the paperwork, the claimant left the facility at approximately 1:30 a.m.

Besides blaming the claimant for the damage the claimant did not do, the supervisor had not honored the claimant's request to either move one of the other two employees with whom he worked or to move him. The two employees had a history of problems between them, including threats of physical harm. The employer put the claimant between the two employees to attempt to buffer the situation, and for the most part the two employees did not have further problems with each other with the claimant in the middle, although one employee did occasionally call the other employee a name. However, the claimant felt uncomfortable because if he talked to one of the employees, the other one would get upset with him and want to know what was said about him, and vice versa. Because of being uncomfortable being put in this situation, the claimant had requested the supervisor to either move him or one of the other employees, to which the supervisor had merely responded that he would see what he could do. The claimant did not inform the supervisor that if something was not done, he would quit.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for good cause attributable to the employer.

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 provides that, 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 claimant did express his intent not to return to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code Section 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a supervisor is not good cause. 871 IAC 24.25(21), (23). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). While the claimant's work situation was perhaps not ideal, he has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). Further, in order for a reason for a quit to be attributable to the employer, an individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Swanson v. Employment Appeal Board, 554 N.W.2d 294 (Iowa 1996), Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). The claimant did not provide this notice and opportunity to the employer. The claimant has not satisfied his burden. Benefits are denied.

#### DECISION:

The representative's September 17, 2004 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of April 22, 2004, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

ld/kjf