

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NEAL L PASH**  
Claimant

**APPEAL NO. 11A-UI-07700-N**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FBG SERVICE CORPORATION**  
Employer

**OC: 05/01/11  
Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Neal Pash filed a timely appeal from a representative's decision dated June 3, 2011, reference 02, which denied unemployment insurance benefits. After due notice, a hearing was held in Council Bluffs, Iowa, on July 28, 2011. Mr. Pash appeared personally. Appearing for the employer was Alyce Smolsky, Hearing Representative and witnesses Silvia Vera, Manager and Jose Ruban Hernandez, Human Resource Manager.

**ISSUE:**

At issue is whether Mr. Pash left employment with FBG Service Corporation good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Neal Pash was most recently employed by FBG Service Corporation from June 2008 until March 22, 2011 when he quit employment without advance notice due to general dissatisfaction with his employment and the manner in which the company was being managed.

Mr. Pash felt that it was inequitable that he was, at times, required to train new employees who were being hired by the company at the same or higher rate than Mr. Pash received. Mr. Pash was also dissatisfied as the company had failed to provide him an increase in pay after 90 days of employment. The decision to increase pay was discretionary on the part of the employer and was based upon the employer's evaluation of the claimant's job performance. Mr. Pash had requested to take time in the past utilizing the provisions of the Family Medical Leave Act. However, it was determined by the company that he did not qualify for leave under the Family Medical Leave Act and therefore the leave was not granted.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes that the claimant voluntarily quit work without 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.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The intention to voluntarily leave work was evinced by the claimant's actions. Mr. Pash turned in his company shirts and did not report again for work.

An individual who voluntarily leaves employment must first give notice to the employer of the reasons for quitting in order to give the employer the opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An employee who receives a reasonable expectation of assistance from the employer after complaining about working conditions must complain further if conditions persist in order to preserve eligibility for benefits. Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991). Claimants are not required to give notice of intention to quit due to intolerable, detrimental or unsafe working environments if the employer had or should have a reasonable knowledge of the condition. Hy-Vee v. EAB, 710 N.W.2d 1 (Iowa 2005).

Although Mr. Pash had a number of complaints and dissatisfactions about his employment and the way that it was being managed, the claimant subsequently kept his dissatisfactions to himself. Inasmuch as the evidence in the record establishes that the claimant did not give the employer a reasonable opportunity to resolve his complaints prior to leaving employment by indicating that he would leave work if his issues were not resolved, the separation was without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The representative's decision dated June 3, 2011, reference 02, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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