

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRYSTAL L BREEDING

Claimant

APPEAL NO: 12A-UI-06661-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES

Employer

OC: 04/22/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(21) – Dislike Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department decision dated June 5, 2012, reference 03, that held she voluntarily quit without good cause attributable to her employer on April 20, 2012, and benefits are denied. A telephone hearing was held on June 28, 2012. The claimant participated. Darian Sloat, branch manager, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without 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 employer is a temporary employment firm. The claimant worked for the employer on an assignment beginning January 16, 2012 at Harper Brush. The claimant called the employer on April 20 with a voice mail message she was quitting without further explanation.

The claimant had had male co-worker make an off-color remark about using his box cutter to deflate her breast. She complained to management and was moved to a different work area. She left work early on April 20 due to a child care issue and called later in the day with the message she was quitting.

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 the claimant voluntarily quit without good cause attributable to her employer on April 20, 2012.

If claimant quit because she believed she had been threatened by a worker with a box cutter, she would have so informed the employer and Harper Brush. She accepted being moved to a different work area, and she gave no explanation to the employer why she was quitting. She left work that day not because of any threat, but because she had a child care issue.

DECISION:

The unemployment insurance decision dated June 5, 2012, reference 03, is affirmed. The claimant voluntarily quit without good cause attributable to her employer on April 20, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw