

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

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KEVIN CODE ET AL
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Appeal Number: 05A-UI-01631-LT
OC: 01-02-05 R: 04
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the February 7, 2005, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on March 3, 2005. Claimant did participate. Employer did participate through Brad Miller.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time C & C cutoff operator through Thursday, December 30, 2004 when he quit. Brad Miller called claimant into his office for an investigation about claimant's work performance at the end of his shift on December 30, 2004. Miller never got through the meeting since claimant told him to go ask Chris Saldania for more information. Miller went to speak with Saldania while claimant went to the restroom. Miller told claimant he would meet

him back in his office. Claimant never reported back to Miller's office but spoke to Harlan Jewell, supervisor, who reported that claimant raised his voice to him and said the meeting was "bullshit" and it was all caused by those "motherfuckers" that do the same job. Claimant then left and did not clock out. At the point where claimant had left the plant without clocking out, Miller had not yet made a decision about claimant's employment status. When claimant called Jewel on Sunday, January 2, 2005, Jewell told him that he was no longer employed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment 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.

871 IAC 24.25(28) 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:

(28) The claimant left after being reprimanded.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2) (amended 1998).

The claimant's decision to leave the premises before completing the meeting with Miller coupled with his verbal tirade at Jewell is sufficient evidence that he quit while having his work performance investigated. This was not a good-cause reason attributable to the employer for leaving. Benefits are denied.

DECISION:

The February 7, 2005, reference 02, decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

dml/sc