

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM BERRYHILL
Claimant

APPEAL NO: 10A-UCFE-00013-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

US POSTAL SERVICE
Employer

**OC: 02-21-10
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 22, 2010, reference 02, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on June 18, 2010. The claimant participated in the hearing. The employer did not respond to the hearing notice, participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time letter carrier for the United States Postal Service from September 1991 to July 31, 2009. The employer offered early retirement and the claimant accepted the offer and retired from the Postal Service July 31, 2009. He was not forced to take early retirement nor was any incentive offered. The claimant's main reason for deciding to retire was that he had been experiencing back, knee and hand problems and was concerned about his health. He was also upset because when he accepted a transfer from Mesa, Arizona, to Fort Dodge, Iowa, in October 2002, the employer told him he would have an opportunity for management. It did put him in management three times in Fort Dodge but he was also removed from those positions on each occasion. He stated it was also more difficult to work in Iowa than it was in Arizona because of the snow and ice and that it was harder to work in Iowa because the supervisors required that the letter carriers go faster. Finally, he testified he was racially and sexually discriminated against as a white male but the union did not pursue it because it said it would be hard to prove.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The employer offered early retirement to employees and the claimant chose to accept the offer. While he was upset about the working conditions and environment he was not forced to take early retirement and has not demonstrated that his leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The April 22, 2010, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs