

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 April 12, 1999. He worked full time as a stocker in the meat department in the employer's Council Bluffs, Iowa store. His last day of work was October 4, 2005.

The claimant had been dealing with some personal issues, including a divorce. Both his ex-wife and former mother-in-law also worked at the employer's store. The claimant had switched job positions and shifts in order to avoid contact with them. However, the claimant was still having personal difficulties. He had received a coaching for attendance on June 3, 2005, and a decision-making day off due to attendance on September 26, 2005. On October 5, 2005, the claimant decided that given the issues he was dealing with, he most likely would have yet another absence which would result in discharge. The claimant wanted to preserve his option of returning to work with the employer at some time in the future, so decided that he would not wait for another occurrence. Therefore, on October 5 the claimant called Mr. Eckstrom, the co-manager, and informed him that he was quitting.

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 dissatisfaction with the work environment or an inability to get along with coworkers is not good cause. 871 IAC 24.25(21), (6). Quitting because a reprimand has been given is not good cause. 871 IAC 24.25(28). The claimant 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). While the claimant may have

had good personal reasons for quitting, those reasons are not attributable to the employer. The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's October 21, 2005 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of October 5, 2005, 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/kjw