

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTOPHER S ADAMS**  
Claimant

**APPEAL NO. 12A-UI-11660-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAGGONER SOLUTIONS CO**  
Employer

**OC: 04/22/12**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's decision dated September 21, 2012, reference 01, which denied unemployment insurance benefits. After due notice was issued, a telephone hearing was held on October 23, 2012. The claimant had participated. Participating on the behalf of the employer was Mr. Richard Fehseke, attorney at law, and witnesses Kevin Waggoner, Chuck Blanchard, and Mike Jones. Employer's Exhibit A was received into evidence.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Christopher Adams was employed by Waggoner Solutions Co. from June 15, 2012, until August 14, 2012, when he voluntarily left employment. Mr. Adams was employed as a full-time driver/laborer for the industrial service company. The claimant was paid by the hour. His immediate supervisor was Marty Wenke.

Mr. Adams left his employment after threatening to do so on a number of occasions in the past based upon a recent ongoing dispute between the claimant and another company driver. It appears that the dispute between the drivers began when the second driver stated that the truck that Mr. Adams was driving needed air in one of the tires and Mr. Adams responded by telling the other driver, "You are not my boss." Mr. Adams brought to the attention of the company owner the ongoing dispute and once again threatened to resign his position with the company. Mr. Waggoner arranged a meeting between the parties that was to take place the following Tuesday morning and instructed Mr. Adams to report to work at 8:00 a.m., a time when supervisory personnel would be present and the meeting could be conducted.

On the Tuesday in question, Mr. Adams did not follow the instruction to report at 8:00 a.m. but instead arrived at 6:00 a.m. and Mr. Adams initiated a heated discussion with the other hourly employee again at that time. After performing other duties for a short period of time, Mr. Adams stated his intention once again to quit employment and notified the employer of his decision.

It is Mr. Adams' position that he felt physically threatened by the other employer and left employment because of ongoing threats to his safety.

### **REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence in the record establishes that Mr. Adams left employment with 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.

An individual who voluntarily leaves their employment must first give notice to the employer of the reason for quitting in order to give the employer an opportunity to address or resolve the complaint. See 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. See Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991).

The evidence in the record establishes that Mr. Adams did not give the employer an opportunity to resolve his complaints prior to leaving employment. The evidence in the record establishes that the claimant was clearly instructed to arrive at 8:00 a.m. on August 14, 2012 to attend a meeting between himself, the other employee, and company supervisors. The claimant chose to arrive at work two hours early and to once again confront the other employee instead of waiting for the employer to conduct the meeting between the parties at 8:00 a.m. as the claimant had been previously instructed. The evidence in the record establishes that Mr. Adams had made previous repeated threats to quit employment and had recently told other employees that he would be accepting other employment with a new company.

The administrative law judge concludes, based upon the evidence in the record, that the claimant chose to leave employment rather than to follow the reasonable and explicit instructions to report for a meeting at 8:00 a.m. so that the employer could resolve the issue between the parties. Good cause for leaving attributable to the employer has not been shown. Unemployment insurance benefits are withheld.

**DECISION:**

The representative's decision dated September 21, 2012, reference 01, 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, provided he is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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