

**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**

**MARTIN L ROLAND  
3205 CIRCLE DR NE  
CEDAR RAPIDS IA 52402**

**ALTER TRADING CORPORATION  
c/o EMPLOYERS UNITY INC  
PO BOX 749000  
ARVADA CO 80006-9000**

**Appeal Number: 04A-UI-03593-DWT  
OC 02/29/04 R 03  
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, 4<sup>th</sup> 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 are 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Martin L. Roland (claimant) appealed a representative's March 26, 2004 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, and the account of Alter Trading Corporation (employer) would not be charged because the claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 21, 2004. The claimant did not participate in the hearing. Manija Basherey, a representative with Employer's Unity, Inc., appeared on the employer's behalf. Fred Reiners and Beverly Curtis were available to testify on the employer's behalf.

The claimant contacted the Appeals Section after the hearing had been closed and the employer had been excused. The claimant made a request to reopen the hearing. Based on the claimant's request to reopen the hearing, the administrative record, and the law, the

administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Is there good cause to reopen the hearing?

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on September 9, 1996. He worked full time.

On March 1, 2004, the employer asked the claimant to help put out a truck fire that occurred during the claimant's lunch break. After the fire was under the control, the claimant was visibly upset and indicated he was going home. The employer warned the claimant that if he left, the employer would consider him to have voluntarily quit. The claimant indicated, "So be it."

The claimant walked off the job on March 1 because he was tired of the yard foreman's inability to control his temper. The claimant considered the yard foreman abusive. Instead of trying to resolve this problem, the claimant walked off the job.

The claimant received the hearing notice prior to the scheduled April 21 hearing. When the claimant received the hearing notice, he did not read the instructions on the hearing notice. The first time the claimant contacted the Appeals Section was April 21, but after the hearing had been closed and the employer had been excused. The claimant asked that the hearing be reopened.

REASONING AND CONCLUSIONS OF LAW:

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 871 IAC 26.14(7)(b) and (c).

The claimant received the hearing notice prior to the hearing, but did not read the instructions on the hearing notice. The claimant's failure to read and follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. Therefore, the claimant's request is denied.

A claimant is not qualified to receive unemployment insurance benefits if a claimant voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. Before the claimant walked off the job on March 1, he understood the employer would consider him to have voluntarily quit if he did not stay at work. The claimant voluntarily quit his employment on March 1, 2004. When a claimant quits, he has the burden to establish he quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant has voluntarily quit his employment without good cause when he leaves because of dissatisfaction with the work environment or because of a personality conflict

with a supervisor. 871 IAC 24.25 (21) and (22). The record indicates the claimant believed the yard foreman could not control his temper, which required the claimant to work in an abusive environment. There is no indication the claimant reported his frustration or his feelings to anyone, or that the employer had any idea the claimant was frustrated with the work environment. The claimant had compelling personal reasons for quitting. The record does not establish the claimant quit his employment for reasons that qualify him to receive unemployment insurance benefits. As of February 29, 2004, the claimant is not qualified to receive unemployment insurance benefits.

**DECISION:**

The claimant's request to reopen the hearing is denied. The representative's March 26, 2004 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of February 29, 2004. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

dlw/b