

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY L HALL
Claimant

APPEAL NO. 13A-UI-06066-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SPECIALTY SALES INC
SPECIALITY ENTERPRISES**
Employer

**OC: 04/21/13
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated May 13, 2013, reference 01, which held that the claimant was ineligible for unemployment insurance benefits. After due notice, a telephone hearing was held on June 28, 2013. The claimant participated personally. The employer participated by John Mahler, Owner. The record consists of the testimony of Jeffrey Hall; the testimony of John Mahler; and Claimant's Exhibits A-Q.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer does furniture refurbishing and repair. The claimant was hired in August 2012. He initially was a woodworker, but was later assigned to furniture inspection. He was a full-time employee. The claimant voluntarily quit his job on April 25, 2013.

The reason that the claimant quit his job was because he had had words with another employee named Todd. Todd had worked for the employer for approximately one week. The claimant thought Todd was insulting and that he badgered and threatened the claimant. Todd had approached the owner, John Mahler, on April 24, 2013, to inform him that the claimant had instigated some conflict and that the claimant was trying to "set him up" by buying some more expensive wood than was needed for a project. Mr. Mahler told Todd that he would speak to the claimant about the situation and he planned to do so on April 26, 2013. Todd was assigned to a job outside the shop. Before Mr. Mahler could address the situation, the claimant left and then turned in his credit cards on August 26, 2013.

Work was available had the claimant elected to keep working.

REASONING AND CONCLUSIONS OF LAW:

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(6) and (21) provide:

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:

(6) The claimant left as a result of an inability to work with other employees.

(21) The claimant left because of dissatisfaction with the work environment.

A quit is a separation initiated by the employee. 871 IAC 24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The claimant is not eligible for unemployment insurance benefits. The claimant had the burden of proof to show that he quit voluntarily for reasons caused by the employer. The findings of fact show how the credibility issues were resolved in this case. The administrative law judge accepts the employer's testimony that while the claimant and Todd had words, there had been no physical violence and that the employer fully intended to address the situation with both men. The claimant did not give the employer that opportunity. Rather he abruptly quit his job. Arguments can and do occur between employees. It was the claimant's burden of proof to show that the workplace was intolerable and detrimental. This he did not do. Benefits are denied.

DECISION:

The decision of the representative dated May 13, 2013, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css