

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**WHITNEY J STURTZ**

Claimant

**K R JONES ENTERPRISES INC**

Employer

**APPEAL 21A-UI-19219-AR-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/28/21**

**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant, Whitney J. Sturtz, filed an appeal from the August 23, 2021, (reference 02) unemployment insurance decision that denied benefits based upon the determination that claimant voluntarily quit employment with the employer, K R Jones Enterprises, Inc., because he was dissatisfied with the work environment. The parties were properly notified of the hearing. A telephone hearing was held on October 19, 2021. The claimant participated personally. The employer participated through General Manager Steve Clair. Claimant's Exhibit A was admitted.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as an automotive technician from 2005, until this employment ended on April 1, 2021, when he resigned.

On March 30, 2021, claimant called out sick from work. He had also been sick on March 19 and 20, 2021. It is the employer's policy, due to COVID-19, that employees who are out for more than one consecutive day must have a doctor's note in order to return to work. However, the employer had failed to request the doctor's note when claimant was out on March 19 and 20, 2021. It realized this when claimant was out sick on March 30, 2021. That afternoon, claimant's supervisor, Hayden Wilson, texted claimant to request a doctor's note releasing claimant to return. Claimant did not respond.

Claimant presented to work the following day. A supervisor, John Signs, approached claimant and asked him for a doctor's note in order to return to work. Claimant stated he did not need a doctor's note after being out one day. Signs asked him to obtain one, and claimant left.

Later in the afternoon on March 31, 2021, Signs called claimant regarding the doctor's note, requesting an update. Claimant again refused. Signs then told claimant to get his "ass to the

doctor” and then get his “ass back to work.” Claimant characterized this conversation as “the last straw.” The following day, claimant came to the store and collected his toolbox. He told Wilson he was quitting. He followed up with an email to Clair the following day stating the reason he quit was because he was unhappy. Prior to this, claimant had not made a complaint about work-related concerns.

The following Friday, claimant and Clair spoke on the phone. Clair offered claimant a pay raise and better schedule to entice him to return. Claimant refused.

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

For the reasons that follow, the administrative law judge concludes claimant’s separation from the employment was 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.

Iowa Admin. Code r. 871—24.25 provides:

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:

...

- (21) The claimant left because of dissatisfaction with the work environment.
- (22) The claimant left because of a personality conflict with the supervisor.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). “Good cause” for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm’n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

In order for claimant’s leaving to have been caused by the employer, it must have been as the result of an intolerable or detrimental working environment. Claimant has not proven the work environment rose to that level. He felt disrespected by Signs, but Signs’ conduct, while perhaps inappropriate, was not unlawful or intolerable. Additionally, though he felt the request for a doctor’s note was unjustified, it was not an unreasonable request from an employer in the era of a pandemic. Claimant left for reasons that are most akin to dissatisfaction with the work environment and a personality conflict with a supervisor.

While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The August 23, 2021, (reference 02) unemployment insurance 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.



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Alexis D. Rowe  
Administrative Law Judge

October 28, 2021  
Decision Dated and Mailed

ar/kmj