

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

EVAN LANGSTON

Claimant

APPEAL NO: 09A-UI-16737-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

DANIEL ARTHUR'S INC

Employer

OC: 10-04-09

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 22, 2009, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 11, 2009. The claimant participated in the hearing with former cook/chef Kollom Brighton and Travis Gillam, former garbamage. Laurie King, Owner and Candice Clifton, Chef, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left his employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time line cook for Daniel Arthur's from February 26, 2008 to September 14, 2009. The employer held a meeting with the kitchen staff regarding sanitation September 14, 2009, and the claimant said, "I can't do this anymore" and walked out. The claimant testified he left for several reasons including the fact that he thought Chef Candice Clifton, who was hired approximately two weeks before the claimant left, was an "axe-man." She replaced Chef Kollom Brighton and the claimant felt she became the "third boss." Ms. Clifton was "critiquing" the claimant and his boss and they did not respect her. Owner Laurie King did not feel the kitchen was as clean as possible so she brought Ms. Clifton in to work on that problem. Due to the economy the restaurant stopped serving lunch and was only open for dinner although the claimant was salaried and his hours increased but he stated he and the other employees experienced a decrease in pay. Chef Jason West was the claimant's friend and mentor and when Ms. Clifton started working there the claimant felt Mr. West became a "figurehead." Mr. West quit when his pay was reduced. The claimant was also upset because Ms. King would address disciplinary issues immediately and in front of other employees when there were conflicts between the kitchen staff and the servers, with the last incident occurring in mid-June or July 2009. In July and August 2009 the claimant asked the secretary to schedule a time when he and Ms. King could discuss the fights that were happening at night but no meeting was ever scheduled. He also testified that the other owner had a habit of coming into the

restaurant, getting drunk, and being belligerent with employees. On September 5, 2009, the claimant let the rest of the kitchen staff go at 9:30 p.m. and stayed until 2:00 a.m. cleaning and doing some cleaning jobs that were only required to be done every two weeks. He felt he was being criticized during the September 14, 2009, meeting because he felt he had gone "above and beyond" when cleaning September 5, 2009, even though the employer did not direct its comments about cleaning toward him specifically. At the end of July or beginning of August 2009 the claimant and Ms. King had an argument and she threatened to decrease his pay. He stated he was not there for the money but because of Mr. West. He then gave the employer a two-week notice but was allowed to rescind it.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment 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.

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. 871 IAC 24.25. 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 is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. While the claimant had a laundry list of complaints about the employer, Ms. Clifton and the work environment in general, he quit when he felt personally criticized during a meeting with the kitchen staff about sanitation even though there were no complaints specifically directed toward him. It does not seem unreasonable to discuss cleanliness issues with the kitchen staff during a staff meeting. It appears the claimant was more upset about losing Mr. West as a mentor and left his employment because of that and because he did not respect Ms. Clifton. Although he cited the pay decrease, which occurred before Mr. West left, he also told the employer he was not there for the money but because of Mr. West and the pay issue did not seem to be the reason for his leaving. The claimant has not demonstrated that his work environment was unlawful, intolerable or detrimental, but rather has shown that he was dissatisfied with the work environment. He has not demonstrated that his leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The October 22, 2009, reference 01, 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs