

**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**

**ROBERT JONES  
840 A ST  
FT DODGE IA 50501**

**SMITHWAY MOTOR XPRESS INC  
PO BOX 404  
FT DODGE IA 50501**

**Appeal Number: 05A-UI-04226-ET  
OC: 03-20-05 R: 01  
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 is 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 Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 11, 2005, reference 01, decision that denied benefits. After due notice was issued, a hearing was held before Administrative Law Judge Julie Elder on May 11, 2005. The claimant participated in the hearing. Chad Johnson, Vice-President of Vehicle Operations; Phil Daniels, Human Resources; and Chad Borkowski, Director of Maintenance, participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time trailer shop manager for

Smithway Motor Xpress from January 3, 1992 to March 17, 2005. He voluntarily quit his job without notice because he felt the trailers were not being properly serviced and/or repaired before being placed back on the road due to a lack of help. The claimant informed his supervisor of the problem through e-mail March 16, 2005, and was advised the problem would be handled, but he quit the following day by walking off the job without talking to the employer in person, even though the employer was on the premises working on a truck. One month earlier, the claimant told the employer he had another job opportunity and requested more money. The employer researched salaries in the area and determined the claimant's salary was in line with others performing the same duties and denied the claimant a raise at that time. The employer admitted that on one occasion an operations manager tried to send a trailer out before it was repaired but denies that was an ongoing problem.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left 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(21). 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. The claimant quit March 17, 2005, because he believed he did not have enough help and the trailers were not being properly serviced. The law presumes a claimant has left employment with good cause when he quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). In order to show good cause for leaving employment based on intolerable or detrimental working conditions, an employee is required to take the reasonable step of informing the employer about the conditions the employee believes are intolerable or detrimental and that he intends to quit unless the conditions are corrected. The employer must be allowed the chance to correct those conditions before the employee takes the drastic step of quitting employment. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). In this case, the claimant informed the employer about the problem by e-mail and was advised the employer would take care of it, but the claimant quit the following day without giving the employer an opportunity to resolve his complaints, despite the fact the employer was on the premises working on a truck when the claimant chose to walk off the job rather than speak to him personally. One month earlier the claimant told the employer he had another job opportunity and wanted a raise. He did not mention a lack of help or a problem with the trailers at that time and after researching area wages the employer declined to give the claimant a raise. Inasmuch as the claimant did not give the employer an opportunity to resolve his complaints of March 16, 2005, prior to leaving his employment March 17, 2005, the administrative law judge must conclude the separation was without good cause attributable to the employer. Benefits are denied.

DECISION:

The April 11, 2005, reference 01, decision is affirmed. The claimant voluntarily left 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.

je/s