

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**COLE D WALL**  
Claimant

**AGCO**  
Employer

**APPEAL NO. 18A-UI-10968-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/14/18**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated November 2, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 26, 2018. Claimant participated. Employer participated by Kimberly Phillips and Jodi Johnston.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 18, 2018. Claimant voluntarily quit on October 18, 2018 citing a need to make more money when he told employer of his desire to quit.

Claimant worked full-time for employer in paint preparation. On October 17, 2018, claimant noticed a new worker improperly using a chemical in a way that could be hazardous. He went to employer with his concern. Employer immediately remedied the situation.

Claimant stated that he was given the cold shoulder by employer when he returned to work. The next day claimant went to employer and said that he needed to quit to take a different, more high paying job. He didn't mention how he'd allegedly been treated that day. Employer said claimant should do what was best for him. Claimant still had work available for him with employer when he quit. Because claimant has particularized skills, he is easily able to get a new job, but did not quit for a particular job that had been previously lined up.

## REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he wanted to receive a higher level of pay.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Claimant's statement that he quit because of the dangerous use of a chemical by a new employee does not constitute good cause as employer immediately remedied claimant's concerns when he brought them to employer. Other than that, claimant's reasons for quitting were inadequate pay and being given the cold shoulder by employer. Claimant knew his level of pay when he accepted the job. The cold shoulder could have been a one-time occurrence, but claimant quit prior to being able to reasonably determine that the actions of employer were as a result of claimant's complaints about the handling of chemicals. Neither constitutes good cause for a quit attributable to employer.

## DECISION:

The decision of the representative dated November 2, 2018, 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.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn