

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TRAVIS J FINCH
Claimant

ISLE OF GREEN INC
Employer

APPEAL 19A-UI-04114-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/21/19
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 7, 2019, (reference 01) unemployment insurance decision that denied benefits based upon a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on June 13, 2019. Claimant participated. Employer participated through garden center manager Lorna Finch.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in 1997 or 1998. Claimant last worked as a full-time general laborer. Claimant was separated from employment on April 17, 2019, when he resigned.

Employer is owned, in part, by claimant's parents. Claimant's father is his direct supervisor.

Employer does not have a drug and alcohol policy.

About one month before claimant resigned, his wife found a bag of methamphetamine that belonged to him. Claimant's wife brought the bag to claimant's parents. Claimant's parents took no employment action against claimant at that time.

Shortly thereafter, claimant turned in gas receipts to his father in a bag that contained meth residue. Claimant's father asked claimant to take a drug test. Claimant refused. Claimant's father told him that he could no longer drive a company vehicle and would need to look for a new job. Claimant's father did not give him a deadline by which he needed to find a new job. Claimant's father also criticized the job claimant was doing parenting his own children.

On April 13 or 14, 2019, claimant's father again asked claimant to take a drug test. Claimant again refused. Claimant remained employed and did not resign and was not terminated at that time.

On April 17, 2019, claimant believed his co-worker, Chase, insulted him with a question he asked. Claimant "blew up" at Chase. Claimant's father told claimant that his behavior toward Chase was unwarranted. Claimant walked out, stating that he would be finding another job sooner rather than later.

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, 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.

Iowa Admin. Code r. 871-24.25(28) 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:

(28) The claimant left after being reprimanded.

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).

In this case, claimant left employment after being reprimanded.

Although claimant asserts the true reason he resigned is because his father asked him to take a drug test and asked him to look for a new job when he refused, it was not until he was reprimanded for a different issue that he actually resigned. This is not a good cause reason attributable to employer.

DECISION:

The May 7, 2019, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left the 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.

Christine A. Louis
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Decision Dated and Mailed

cal/scn