

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN J SALAZAR**  
Claimant

**APPEAL NO. 12A-UCFE-00021-S2**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**24<sup>TH</sup> EXPRESS CORPORATION**  
**HOLIDAY INN EXPRESS AT DRAKE**  
Employer

**OC: 03/25/12**  
**Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

John Salazar (claimant) appealed a representative's May 7, 2012 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Holiday Inn Express at Drake (employer). After hearing notices were mailed to the parties' last-known addresses of record, a hearing was scheduled for June 13, 2012, in Des Moines, Iowa. The claimant participated personally. The employer participated by Cathy Albaugh, Human Resources Director.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**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 hired on November 7, 2011, as a part-time clerk 2/night auditor. The general manager asked him to work at home by watching training videos. The general manager told the claimant he would not be paid for his time. When he tried to watch training videos at work, he could not hear them because the employer did not have headphones. The claimant told the employer of this problem. The general manager told the claimant he could leave work early if there was no more training to be given during the shift.

One shift the claimant's co-worker was training him and then went outside for a break. The co-worker returned smelling of marijuana and had no interest in training the claimant anymore. The claimant left work early. On November 14, 2011, the night auditor told the claimant in a hostile manner that he was not to leave work early. Later that day after his shift ended, the claimant notified the employer that he was not returning to work. Continued work was available had the claimant not resigned.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant voluntarily quit work with 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.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

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). The claimant quit work due to being asked to work without pay, working in a location where illegal drugs were being consumed, and being told to leave when training was over and then being reprimanded when he left. The claimant is eligible to receive unemployment insurance benefits.

**DECISION:**

The representative's May 7, 2012 decision (reference 01) is reversed. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs