

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DANIEL C PIERCE
Claimant

GILCREST/JEWETT LUMBER COMPANY
Employer

APPEAL NO. 20A-UI-01903-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/02/20
Claimant: Appellant (4)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 20, 2020, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 18, 2020. Claimant participated. Employer participated by Jeri Stoffel and Jamie Schafer. Employer's Exhibits 1-3 were admitted into evidence.

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 January 23, 2020. Claimant voluntarily quit his job effective February 15, 2020. When claimant submitted his resignation notice on January 23, 2020 that was to be effective on February 15, 2020, employer ended claimant's employment immediately.

Claimant worked full time as a yard worker for employer. Claimant complained repeatedly to employer that he was treated differently than his coworkers and was singled out by his supervisor. Employer stated that on multiple occasions, he went outside and did not see claimant being mistreated by his supervisor. Employer admitted he was only outside 10 percent of the time and could not attest to how claimant was treated the rest of the time.

Claimant stated that he'd wanted to get his CDL so he could drive a truck for employer. He stated that years ago he'd asked to get the permit as a necessary first step to get his license, but employer told him he'd have to study from home. Then, recently, a coworker was allowed to study for his permit while he was on the clock, when claimant wasn't allowed to do so. Employer stated that the coworker would ask prior to studying, and would be allowed to do so during breaks and slow periods. Claimant was told he could do the same when he asked. Claimant stated that he didn't study during breaks as that was his private time.

At the time of claimant's quit, there was still ongoing work available to claimant.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge holds that the evidence has failed establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he felt he was being treated differently by employer.

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.* In this matter, claimant has not established that his treatment was so different, or that he was singled out to such an extent that his quitting was found to be for good cause attributable to employer. The real circumstances related did not seem to create an untenable environment or an environment that was so fundamentally unfair to claimant that his quit could be seen as attributable to employer.

This quit from claimant was to occur on February 15, 2020. Claimant was prepared to work until that date. Employer terminated claimant on January 23, 2020. Employer stated that claimant's termination was not for any misconduct on the part of claimant. Whereas claimant is not eligible to receive benefits after February 15, 2020, claimant is eligible to receive benefits from the date of the filing of his original claim until February 15, 2020.

DECISION:

The decision of the representative dated February 20, 2020, reference 02, is modified in favor of the claimant. Whereas claimant is not eligible to receive benefits after February 15, 2020, claimant is eligible to receive benefits from the date of the filing of his original claim until February 15, 2020, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn