

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

STANLEY G HUGHES
6026 S 36TH AVE
OMAHA NE 68107

AMERICAN BUSINESS INFORMATION INC
c/o JOHNSON AND ASSOCIATES
PO BOX 6007
OMAHA NE 68106-6007

Appeal Number: 05A-UI-11376-AT
OC: 10/02/05 R: 01
Claimant: Respondent (5)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit
Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

American Business Information, Inc. filed a timely appeal from an unemployment insurance decision dated October 28, 2005, reference 01, which allowed benefits to Stanley G. Hughes. After due notice was issued, a telephone hearing was held November 21, 2005, with Mr. Hughes participating. The employer was represented by Peg Heenen of Johnson and Associates. Production Manager Doug Waldvogel and Lead Print Operator Anne Jorgensen testified.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Stanley G. Hughes was a production clerk for American Business Information, Inc. from February 14, 2005 until September 7, 2005. Shortly after he began his shift on September 7, Mr. Hughes was confronted by a belligerent co-worker, Larry Garrison. Mr. Garrison is larger than Mr. Hughes and by his own account has been convicted of assault and battery for an incident at a prior employer. Mr. Garrison threw a cover at Mr. Hughes and angrily walked up to him. Mr. Hughes believed that he was about to be assaulted. He put his badge on the desk of his lead worker and left, saying that he would see them all in court. He waited outside until Production Manager Doug Waldvogel arrived. He asked to speak to Mr. Waldvogel but was told that he had quit.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the separation in this case was a disqualifying event. It does not.

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.

From Mr. Hughes' statements and actions, it appears that he intended to leave employment on September 7. He left his badge when he normally would take it with him. He stated that he would see the employer in court. A reasonable employer could interpret the claimant's actions as a resignation.

A resignation because of unsafe working conditions or because of intolerable or detrimental working conditions is considered to be with good cause attributable to the employer. See 871 IAC 24.26(2) and (4). The evidence in the record persuades the administrative law judge that Mr. Hughes left work under such circumstances. Benefits are allowed.

DECISION:

The unemployment insurance decision dated October 28, 2005, reference 01, is modified. The claimant left work voluntarily with good cause attributable to the employer. He is entitled to receive unemployment insurance benefits provided he is otherwise eligible.

dj/kjw