

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**GUILLERMO FRANCO**  
Claimant

**ROCKWELL COLLINS INC**  
Employer

**APPEAL 16A-UI-01569-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/10/16**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the February 1, 2016, (reference 01) unemployment insurance decision that denied benefits based upon him voluntarily quitting work without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on February 29, 2016. The claimant participated personally. The employer, Rockwell Collins, Inc., did not participate. Claimant's Exhibits A and B were admitted.

**ISSUES:**

Was the claimant discharged for disqualifying job-related misconduct?  
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 was employed full time as an assembler from December 1, 2014 until November 6, 2015.

During the course of the claimant's time working for this employer he encountered several issues with co-workers. In August of 2015 he witnessed two other co-workers get into a verbal confrontation with each other. He reported these two individuals, Greg and Byron, to the Human Resources department. These two individuals again got into a verbal confrontation in September of 2015 in front of the claimant. He again reported them to human resources. He believed that the two, especially Greg, became mad that he reported them to human resources. A few weeks following this incident in September another employee, Randy, reported to the Human Resources department that the claimant sexually harassed him by grabbing him inappropriately several months prior. The claimant believed that Randy was coerced by Greg to falsely report this. The employer investigated this allegation by interviewing both the claimant and Randy. No discipline was imposed on either employee following their investigation.

Following this investigation the claimant had two dents appear on his personal truck that he parked at work. He believed that either Greg or Randy made the dents to his truck. He asked the security guard to review videotape surveillance of the parking lot and the guard reported that

he could not see anything happen to the claimant's truck. He reported this to his union representative but was told that nothing could be done about it. He did not report it to his direct supervisor.

On November 2, 2015 the claimant and Randy were leaving the building at the same time and Randy was in front of the claimant. Randy stopped to allow the claimant to walk past him and the claimant made an inappropriate comment using profanity to Randy as he passed by. Randy reported that the claimant was harassing him. This too was investigated by the employer and no discipline was imposed against either employee.

The claimant asked his supervisor to be transferred to a different department so that he did not have to work with Randy. The claimant was transferred to a different department. However, there was another co-worker in claimant's new department, Royer, who yelled at the claimant when he was not completing a task to his specifications. The claimant was frustrated with this new department due to Royer's comments to him.

The claimant was experiencing stress in the workplace and at home. Several months prior to these reported incidents the claimant's wife had serious medical issues which caused a loss of income to the family. The claimant began working overtime at Rockwell Collins in order to make up for the loss in income. The claimant also cares for his wife at home.

On November 6, 2015 the claimant decided that he needed to voluntarily quit his position with Rockwell Collins because of the stress it was causing him. He found another job to begin the following week. He notified his supervisor by telephone on November 9, 2015 that he was quitting and would not be back to work.

The claimant began working for a new employer the week of November 9, 2015. He only worked a few days and then suffered a heart attack. See Exhibit B. He is not currently working but has not been given any restrictions from his doctor and has been released back to work.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from employment was a voluntary quit without good cause attributable to the employer. Benefits are denied.

As a preliminary matter, I find that the claimant was not discharged from employment. Claimant voluntarily quit. As such, 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).

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). Claimant intended to quit and carried that out on November 9, 2015 when he communicated his verbal resignation to his supervisor by telephone. After a claimant quits, the next step in the analysis is to determine whether or not the claimant left for good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(6) and (37) 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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

It is clear that the claimant did not like working with his co-workers Greg, Randy, and Byron. The employer agreed to transfer the claimant to another department and the claimant worked in another department but did not like his co-worker Royer either. There was no proof that either of these co-workers dented the claimant's vehicle. Further, by claimant's own admission he was the person who was the aggressor when he made an inappropriate profane comment to Randy as he was leaving the building.

There is no doubt that the claimant was stressed due to his overwhelming personal obligations with his wife's medical issues. However, there is no evidence that his heart attack was work-related or was aggravated by his working conditions. His physician's note states that workplace stress can contribute to cardiac events, however, does not confirm that was the case in claimant's situation. See Exhibit B.

While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

**DECISION:**

The February 1, 2016, (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily left 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.

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Decision Dated and Mailed

db/pjs