

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATT J STOKES

Claimant

**% WATTS TRUCKING SERVICE INC
BLACK HAWK WASTE DISPOSAL CO INC**
Employer

APPEAL 16A-UI-05356-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/17/16

Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 3, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on May 24, 2016. Claimant participated. Employer participated through operations/sales manager, Scott Brunson.

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 on November 17, 2015. He last worked as a full-time truck driver. Claimant voluntarily resigned on April 7, 2016.

When a manager or the dispatcher needs to talk to a truck driver, employer pulls the employee's time card as a signal to the employee to see the dispatcher for further information. In the past, employer pulled claimant's time card when a manager or dispatcher had questions about fulfilling his job duties. Claimant responded negatively when this occurred.

Throughout claimant's employment, he was dissatisfied with the work hours, pay and benefits, and equipment. However, claimant did not resign when he encountered these issues. He continued working for employer.

On April 7, 2016, the dispatcher received several complaints from residential customers that claimant had not picked up their trash. Manager Scott Brunson pulled claimant's time card so the dispatcher could ask claimant if there was a reason he missed the stops. When claimant saw his time card had been pulled, he left the workplace and did not return. After claimant left the workplace, he called Brunson. Claimant said he was tired of the dispatcher questioning his work performance and resigned his employment.

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 § 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 (27) provide:

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.

(27) The claimant left rather than perform the assigned work as instructed.

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).

Here, claimant resigned his employment because he did not like being questioned by the dispatcher about customer complaints. Although claimant also had other complaints about work hours, pay and benefits, and equipment, he did not quit when those issues arose. He did not even mention those issues at the time he resigned. Ultimately, claimant resigned because of being questioned by the dispatcher. Unfortunately for claimant, being questioned about customer complaints by the dispatcher was part of the job. A reasonable person would not have quit in the same situation. Thus, claimant failed to show he quit for a good cause reason attributable to employer.

DECISION:

The May 3, 2016, (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

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