

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JASON W ATHEY
Claimant

WINNEBAGO INDUSTRIES
Employer

APPEAL 15A-UI-05469-JCT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/29/14
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 28, 2015, (reference 02) unemployment insurance decision that denied benefits based upon separation. The parties were properly notified about the hearing. A telephone hearing was held on June 12, 2015. The claimant participated. The employer participated through Susan Gardner. Shane Reinlasoder also participated as a witness on behalf of the employer and Shanna Eastvold was an observer.

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: The claimant was employed full time as a production assistant fabricator, and was separated from employment on April 15, 2015, when he voluntarily quit without notice. Continuing work was available.

The claimant told his manager, Randy Teglin, that he was quitting because he couldn't handle the "lying and backstabbing anymore" and due to increased anxiety. No physician or medical documentation was provided to the employer or at the hearing indicating a medical professional advised the claimant to resign from his position.

Prior to his resignation, the claimant was issued a reprimand by his manager for errors with regard shower pans. The claimant did not agree with the warning based on his lack of training. He went to human resources on April 14, 2015 around 3:30 p.m. and spoke to human resources. He cited to ongoing issues with his manager and frustrations he had. He was told it would be investigated. The following day, he called off work, and then resigned at the end of the day. The employer provided hearsay testimony that the claimant's concerns were being investigated at the time of his separation, which occurred one day after reporting them, and were unable to resolve them before his resignation.

The claimant also cited to other contributing issues that occurred during his employment including a delay in moving him from a forklift position after recommendation of his doctor in February, threats of "being chewed out" if his supervisor got in trouble, and for not being allowed to leave to respond to ambulance calls, although others with other volunteer rescue/fire departments in other locations were permitted to do so.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the 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(28), (27) and (22) 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:

(28) The claimant left after being reprimanded.

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

(22) The claimant left because of a personality conflict with the supervisor.

The 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. Industrial Relations Commission, 277 So.2d 827 (Fla. App. 1973). A claimant with work issues or grievances must make some effort to provide notice to the employer to give the employer an opportunity to work out whatever issues led to the dissatisfaction. Failure to do so precludes the employer from an opportunity to make adjustments which would alleviate the need to quit. Denvy v. Board of Review, 567 Pacific 2d 626 (Utah 1977). In this case, the claimant brought forth concerns to human resources around 3:30 p.m. on April 14, 2015. He called off his shift on April 15, 2015 and then resigned later that day. The claimant's expectation that the employer could or would thoroughly investigate and resolve the issues so quickly is unreasonable, as is the suggestion that the employer should have called him at home if they were in fact taking steps to resolve his concerns about his manager or the reprimand he felt was unjustified. While the claimant's concerns may have been legitimate, the claimant did not allow the employer a reasonable amount of time to investigate, make any changes or address issues to allow the claimant to remain employed.

The claimant raised several other issues that contributed to his decision to resign including his delay in moving to another department in February and being unable to attend fire/rescue calls. Given the stale dates of the complaints, they are not individually addressed as the claimant acquiesced to them by not raising concerns or quitting earlier when they arose. The claimant cannot on the one hand argue his supervisor and the work conditions were so egregious that he could not return to work after the reprimand, but had continued to work under the same conditions for months until his disciplinary action. Based on the timing of the reprimand and subsequent complaint to human resources, the administrative law judge is persuaded the claimant quit following a reprimand he felt was unwarranted and due to conflict with his manager. While the 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 are denied.

DECISION:

The April 28, 2015, (reference 02) unemployment insurance decision is affirmed. The 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.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/css