

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JON R HOUSTON
Claimant

KASTIM CORPORATION
Employer

APPEAL NO. 14A-UI-05639-GT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 05/04/14
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 27, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 25, 2014. Claimant participated. Employer participated by Krista Schmitz, Manager.

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 November 20, 2013. Claimant was working with high school aged co-workers who were much younger than he. He didn't like the way he was treated by his co-workers and he was going to return to college soon. Co-workers would yell at him if he made a mistake. Co-workers vandalized his vehicle, but he failed to report that problem to employer because he didn't think it would do any good. Claimant walked out early from his shift, and called employer two days later and quit at that time.

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), (21), (26) 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.
- (21) The claimant left because of dissatisfaction with the work environment.
- (26) The claimant left to go to school.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good-cause attributable to employer when claimant terminated the employment relationship because he did not like the way co-workers treated him and he was going to return to college soon. Claimant did not report the problems he was having to employer because he did not think it would do any good, but employer was not given a chance to address the problems claimant was having at work.

DECISION:

The decision of the representative dated May 27, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/can