

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JUSTIN J RAMSEY
Claimant

MOHAWK ESV INC
Employer

APPEAL 16A-UI-09805-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/14/16
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the September 2, 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 September 26, 2016. Claimant participated personally and was represented by Jon Geyer. Employer participated through regional human resource manager Kathy Warner.

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 in November 1999. Claimant last worked as a full-time day lead. Claimant was separated from employment on August 18, 2016, when he resigned.

Part of the job description for a lead is to fill in for a superior during his or her absence.

During the beginning of July 2016, the person serving as the warehouse manager at employer's Iowa warehouse transferred to another location. Thus, the position was open. Employer asked claimant to cover the duties of the warehouse manager until the position was filled. As a result, claimant was required to take on additional job duties such as filling in on the night shift, providing data for payroll, scheduling trucks and routes, managing employees, answering phone calls and emails, dealing with customer complaints, and being on-call at all hours. Claimant went from working 40 hours per week to 55 hours per week. Claimant was paid hourly. Claimant was also told he would receive a bonus for filling in for the warehouse manager.

Claimant was encouraged to apply for the position of warehouse manager, and did so. Claimant was interviewed for the position. Claimant believed he was going to get the position because the regional manager had asked him to complete an application and had been referring to him to as the Iowa warehouse manager while he was covering the position. Employer never promised claimant the position.

In fact, employer decided to hire another person for the position. On July 18, 2016, the regional manager informed claimant employer was hiring another position for the position of warehouse manager. Claimant walked off the job and called human resource manager Kathy Warner and stated he was resigning as he felt he was underappreciated. Warner asked him to reconsider and informed he would be paid a bonus of \$2500.00 if he continued his employment until the new warehouse manager was hired and fully trained. Claimant declined.

Further work was available to claimant had he not resigned.

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.

In this case, claimant resigned because he did not receive a desired promotion. Although not receiving the promotion was understandably a personal and professional disappointment for claimant, it cannot be said he left for a good cause reason attributable to employer under the law. The expectation for claimant as a lead was to fill in for the warehouse manager. Although he was encouraged to apply for the position of warehouse manager, it was not promised to him. The regional manager reasonably referred to claimant as the Iowa warehouse manager during the time claimant was filling that position. Claimant was compensated for his time, and stood to earn a bonus had he completed the assignment. Working 55 hours per week is demanding, but not intolerable to the reasonable person. Continued work was available to claimant had he not resigned.

Claimant has not established he voluntarily resigned for a good reason attributable to employer.

DECISION:

The September 2, 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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