

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**TROY A OTT**  
Claimant

**APPEAL NO. 13A-UI-13338-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HTH COMPANIES INC**  
Employer

**OC: 11/03/13**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated November 26, 2013, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 23, 2013. Claimant participated by Wesley Streat. Employer participated by Raechel Garner, Payroll, Eric Wilson, Vice President. Exhibit One was admitted into evidence.

**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 1, 2013. Employer told claimant and a group of workers to get back to work and keep their mouth shut or face termination of employment. Claimant got up and walked out. Claimant was going back to work. Employer mistakenly interpreted claimant's leaving the meeting as a quit. Employer then searched claimant's tools and took claimant's company equipment. Claimant protested the separation to no avail. Claimant provided a credible corroborating witness.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when employer terminated the employment relationship because they thought that claimant had quit. Claimant's corroborating witness is convincing on the issue of claimant's decision not to quit. Employer has failed to establish that claimant quit as asserted. This is a separation for cause attributable to employer. Employer mistakenly assumed claimant had quit. Benefits allowed.

Iowa Code section 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.

**DECISION:**

The decision of the representative dated November 26, 2013, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs