

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**RICKY D JOHNSON**  
Claimant

**MOFFITT'S INC**  
Employer

**APPEAL 19A-UI-09518-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/03/19**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On December 2, 2019, Ricky D. Johnson (claimant) filed an appeal from the November 19, 2019, reference 01, unemployment insurance decision that denied benefits based upon the determination he voluntarily quit employment with Moffitt's Inc. (employer) for personal reasons which does not constitute good cause attributable to the employer. The parties were properly notified about the hearing. A telephone hearing was held on December 30, 2019. The claimant participated personally. The employer participated through Tony Mrazek, Service Manager. Presley Moffitt, Controller, was sworn in as a witness on behalf of the employer but did not testify. No exhibits were offered into the record.

**ISSUE:**

Did the claimant voluntarily quit employment with good cause attributable to the 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 Quick Lube Manager beginning on September 18, 2019, and was separated from employment on September 24, 2019, when he quit. The claimant had prior work experience as a mechanic and manager. He was hired and began training with another employee. The claimant did not like the training provided but did not complete the training or ask for different training.

On September 23, Tony Mrazek, Service Manager, brought an issue to the claimant. During the discussion, Mrazek indicated the claimant was not performing at the level he had anticipated based on the claimant's prior work experience. However, he did not ask the claimant to leave and continuing work was available. The following morning, the claimant notified Mrazek it was not working and quit.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's separation from employment was without good cause attributable to the employer. Benefits are denied.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 provides, in relevant part:

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 section 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 section 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:

...

(21) The claimant left because of dissatisfaction with the work environment.

...

(28) The claimant left after being reprimanded.

...

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

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. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980).

The claimant's decision to quit because he did not agree with the employer's policies and informal training methods does not constitute good cause attributable to the employer. While the claimant's performance was not where the employer had hoped it would be, the employer did not ask the claimant to leave and continuing work was available. The claimant has not established that he voluntarily quit with good cause attributable to the employer. Benefits are denied.

**DECISION:**

The November 19, 2019, reference 01, unemployment insurance decision is affirmed. The claimant voluntarily left 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.

A handwritten signature in blue ink, reading "Stephanie R Callahan" with a long horizontal flourish extending to the right.

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Stephanie R. Callahan  
Administrative Law Judge

December 31, 2019  
Decision Dated and Mailed

src/scn