

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JEFFREY A STEELE**  
Claimant

**FAST CASH OF AMERICA INC**  
Employer

**APPEAL 15A-UI-01306-KCT**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/11/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 27, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 25, 2015. The claimant participated. The employer participated through Michael Steele.

**ISSUE:**

Did the claimant quit voluntarily without 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 compliance officer. He was separated from employment on January 12, 2015, when he told his brother, who is also his supervisor, that he quit the position.

In January 2015, the employer was undergoing an IRS audit of its practices. The company's auditor indicated that certain provisions of the manual needed to be updated. On January 8, 2015, Michael Steele, the company president, told his brother, Jeffrey Steele, to update the procedure portion of the manual because the auditor was going to review the manual the following day. Jeffrey Steele indicated that he would revise the manual on January 9, 2015. Michael Steele updated the provisions himself on January 8, 2015 and confronted his brother the next day. He indicated the old provisions, which the claimant had written, were inadequate and showed the claimant the revised provisions.

The claimant felt insulted and that nothing he did was good enough. He thought that his brother minimized his work performance and provided ever-changing, verbal job assignments. The claimant had no specific job description or written expectations. The claimant had considered quitting one year earlier because he was frustrated with the way his brother treated him at work. In response to his brother's statements, the claimant left the office on the morning of Friday, January 9, 2015.

The claimant returned to work on Monday, January 12, 2015. The brothers discussed job expectations. Michael Steele conveyed his expectations of the claimant regarding personal cell phone use in the office and attending fully to work matters while at work. The claimant told his brother that he would let him know later what he decided to do about the job. Michael Steele and his mother, who also works in the family business, argued at work that day. The claimant overheard the argument. Michael Steele indicated that his brother needed to do the job or leave. He used an expletive. The claimant was angered by the conversation. He collected some of his things, told his brother that he quit, and left. Michael Steele sent text messages and called his brother several times between January 12, 2015 and January 15, 2015.

On January 12, 2015, Michael Steele sent a text to his brother indicating that if he did not show up at work on January 13, 2015, he would assume that the claimant had quit. The claimant did not appear at work on that date. On January 15, 2015, the claimant sent a text to his brother stating that he would talk to his brother when he was ready, but he had to focus on what was best for his family and himself. Michael Steele assumed that his brother had quit the position. They had no further conversations about work and the claimant did not return to work. (Exhibit 1 and Testimony)

#### **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(21), (22) 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 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.

(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). 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).

An employer is entitled to expect its employees to report to work as scheduled or to be notified when and why the employee is unable to report to work. The claimant did not timely report his status to the employer.

Individuals who leave their employment due to disparate treatment are considered to have left work due to intolerable or detrimental working conditions and their leaving is deemed to be for good cause attributable to the employer. The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Dep't of Job Serv.*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Emp't Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

While a contentious family dynamic is evident in this matter, no employment situation is without difficulty. The claimant did not attempt to address the issues he had with his supervisor in a productive way. The evidence of record does not establish that the situation would have been intolerable to a reasonable person. The claimant's separation was without good cause attributable to the employer because he left the employment without notice, he failed to respond to repeated contacts from the employer, and he left because he disliked how he was treated despite failing to attempt to address the issues productively. Benefits are denied.

**DECISION:**

The January 27, 2015, (reference 01) 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.

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Kristin A. Collinson  
Administrative Law Judge

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Decision Dated and Mailed

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