

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JON PORTREY
Claimant

CURBSIDE INC
Employer

APPEAL NO: 13A-UI-09122-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/16/13
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the July 29, 2013, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 11, 2013. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left his 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 as a full-time valet for Curbside from January or February 2012 to October 15, 2012. He decided to voluntarily leave his position because he was dissatisfied with the working environment and his working relationship with his lead man.

In May 2012 the lug nuts from one tire on the claimant's car were removed on two separate occasions and left near his car. He never reported the situation because he did not believe it was work-related but later started to believe his lead man may have been involved because he took and made many phone calls near the claimant's vehicle and frequently worked on his own car during work hours, asking the claimant to cover for him twice.

On one, possibly two, occasions the lead man moved cars the claimant had valet parked so when the claimant went to retrieve the vehicle he could not find it, which upset him and he believes there is a pattern of this type of behavior in the valet business. He was also tired of the "negative energy" exhibited by the lead man who wanted to talk and complain about his children on a daily basis for extended periods of time.

The claimant was also experiencing a difficult personal issue, the result of which would mean the loss of his housing. Between that situation and his increasing dissatisfaction with the work

environment, the claimant decided he was going to move to Los Angeles and called the employer the morning of October 15, 2012, and notified it he was quitting his job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

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.

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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

While the situation involving the removal of the lug nuts from one of the claimant's tires was at best unsettling, especially given that it happened on two occasions, the claimant did not believe it was a work related issue and it occurred in May 2012, four and one-half months prior to his decision to leave his job. He never reported the incident to the employer. Additionally, while the lead man moved one of the cars the claimant valet parked, it only happened one time and although frustrating, the fact that it was a sole occurrence means there is not enough evidence to conclude anything other than it could have been accidental or a simple misguided prank. The claimant was not happy with his lead man's negativity, which is understandable, but not an issue that constitutes a good cause reason for leaving employment. He was losing his place to live and had been thinking about moving to Los Angeles anyway, which contributed to his decision to quit his job and move to California. Under these circumstances, the administrative law judge must conclude the events as described by the claimant do not rise to the level of unlawful, intolerable or detrimental working conditions as those terms are defined by Iowa law. Therefore, benefits must be denied.

DECISION:

The July 29, 2013, reference 01, decision is affirmed. The claimant voluntarily left his 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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