

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on February 20, 2003. He worked full time as a topcoat sprayer in the employer's kitchen and bath cabinet manufacturing business. His last day of work was September 13, 2005. He had given a verbal notice of his intent to quit approximately one week prior. His stated reasons for leaving were to seek a position elsewhere and to get away from a coworker the claimant felt had been harassing him.

The coworker would do his work in such a way to complicate the claimant's work or to create additional work for him. He also would make rude statements to the claimant, such as, the day before the claimant offered his resignation, the coworker had exited a painting booth and the claimant entered; the coworker returned a short time later and told the claimant to "get the h - - out." On September 12, 2005, the coworker told the claimant that the claimant should not even be working there.

The claimant did report some of these problems to his foreman, but he did not take the situation to human resources when the foreman took no action. The employer does have an anti-harassment policy that provides that if an employee feels that a supervisor has not appropriately addressed a situation, the employer is to bring the matter to the attention of human resources .

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit, and if so, whether it was for 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.

871 IAC 24.25 provides that, 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 claimant did express his intent not to return to work with the employer. A voluntary leaving of employment requires an intention to terminate the employment relationship. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). The claimant did exhibit the intent to quit and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify him. Iowa Code section 96.6-2. Leaving to seek new employment is not for good cause, where new employment has not been found before leaving. 871 IAC 24.25(3). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict with a coworker is not good cause. 871 IAC 24.25(21), (6). While the claimant's work situation was perhaps not ideal, he has not provided sufficient evidence to

conclude that a reasonable person would find the employer's work environment detrimental or intolerable. O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). Further, in order for a reason for a quit to be attributable to the employer, an individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Swanson v. Employment Appeal Board, 554 N.W.2d 294 (Iowa 1996), Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). The claimant did not provide follow the necessary procedure to provide this notice and opportunity to the employer by taking the matter to the employer's human resources department. The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's October 3, 2005 decision (reference 02) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of September 13, 2005, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

ld/kjw