

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RUBEN M SMITH
Claimant

DALTON CONCRETE CONSTRUCTION LLC
Employer

APPEAL NO. 19A-UI-00374-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/31/17
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 10, 2019, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 30, 2019. Claimant participated personally. Employer participated by Beth Hickey and Zachary Dalton. Employer's 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 30, 2018. Claimant voluntarily quit on November 30, 2018 because he was reprimanded by employer after he failed to complete a task asked of him.

On the morning of November 29, 2018, employer told claimant to lay a basement concrete floor and then when done to be sure to turn on the heater and put blankets over the work. Claimant and his crew laid the floor and put down the heater, but did not lay the blankets, thereby creating a situation where the cement hadn't cured.

Claimant stated that it would have been too difficult for him to lay the blankets. Claimant did not tell employer that he hadn't laid the blankets, and employer received a call the next day from the customer complaining about the situation. Employer then contacted claimant about not completing the task that needed to be done. Claimant responded to employer's reprimand by stating, "I just don't care anymore. I'm done." Claimant then took the keys and credit card to employer's office where he reiterated the statement.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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(28) 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:

(28) The claimant left after being reprimanded.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was tired of the work and of being berated by employer.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this instance, employer was frustrated that claimant did not do the job he was asked to do, and the administrative law judge believes that he was strongly complaining to claimant. Claimant then decided that he no longer wanted to hear these complaints and stated that he didn't care anymore and was done. These statements of reprimand were not shown to be sufficient enough to constitute good cause to quit.

DECISION:

The decision of the representative dated January 10, 2019, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn