

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ERIC D HULL
Claimant

L & W QUARRIES INC
Employer

APPEAL NO. 12A-UI-08084-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/05/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(21) – Dislike of Work Environment

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated June 29, 2012, reference 01, that held he voluntarily quit with good cause on June 8, 2012, and benefits are denied. A hearing was held on July 30, 2012. The claimant participated. Sarah Higbee, Office Assistant, Jim Close, Plant Manager and Mike Sharp, Foreman, participated for the employer. Employer Exhibit 1 was received as evidence.

ISSUE:

The issue is whether the claimant voluntary quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds that: The claimant started work as a full-time scraper operator beginning January 8, 2007 and last worked for the employer on June 8, 2012. He quit without notice on June 8 after complaining about the dozer operator slamming him.

The bulldozer operator had to push claimant's scraper to get through rough spots on some 60 or more occasions each day in order to do the work. The claimant had been working driving his scraper at the Clarkville plant for several months. He called his foreman to complain about his scraper and said he was quitting. Although the employer-foreman asked him to stay until he got there, he was seen on the road leaving before the foreman could get there. He did not return to employment.

REASONING AND CONCLUSIONS OF LAW:

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(21) 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.

The administrative law judge concludes that the claimant voluntarily quit without good cause attributable to his employer when he left his job on June 8, 2012 due to a dislike of the work environment.

The claimant did not like how the dozer operator pushed him but this had been a routine part of the job for months. The employer foreman was willing to come to the job site to review this matter but claimant chose to quit and leave before he could get there. There is no evidence the claimant was "slammed" to the point of injury. A reasonable inference is the employer would have stepped in if the dozer was hitting the scraper hard enough to cause damage. Good cause for quitting is not evident in this matter.

DECISION:

The decision of the department representative dated June 29, 2012, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on June 8, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css