

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**TODD A SPEARS**  
Claimant

**APPEAL NO. 15A-UI-09300-TN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC**  
Employer

**OC: 07/26/15**  
**Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit  
Section 96.3-7 – Benefit Overpayment

**STATEMENT OF THE CASE:**

L A Leasing Inc. filed a timely appeal from a representative's decision dated August 11, 2015, reference 01, which held the claimant eligible to receive unemployment insurance benefits finding that the claimant quit work on July 11, 2015 because of detrimental working conditions. After due notice was provided, a telephone hearing was held on September 8, 2015. Although duly notified, the claimant did not participate. The employer participated by Ms. Colleen McGuinty, Unemployment Insurance Administrator and Ms. Jule White, Account Manager.

**ISSUE:**

The issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds: Todd Spears began employment with L A Leasing Inc. on May 5, 2014. Mr. Spears was most recently assigned to work at a client employer location on June 17, 2015. Mr. Spears was assigned to work as a general laborer at the Wilton Precision Steel Company and was being paid \$10.00 per hour. Mr. Spears left his employment with L A Leasing Inc. on July 11, 2015, stating that his working hours conflicted with another part-time job the claimant had taken assisting his brother doing plumbing work.

Prior to leaving his last job assignment, Mr. Spears had earlier complained that he believed that he was being harassed on the job at Wilton Precision Steel. Wilton Precision Steel was notified of the allegation and conducted an on-site investigation. Following the investigation, it was concluded that notes were left in Mr. Spears work areas were harmless "pranks" and did not constitute a threat or harassment of Mr. Spears. Mr. Spears elected to leave his employment with L A Leasing stating at the time that he left that his working hours with L A Leasing conflicted with other side employment that he had taken with his brother. Work continued to be available to Mr. Spears at the time that he left.

## **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 is 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 would not be 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. Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer, however, the test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993).

In the case at hand the employer has presented testimony that prior incidents of suspected harassment has been investigated and had been determined to be harmless jokes that were not intended to intimidate or harass the claimant. The company had followed up on Mr. Spears allegations promptly and Mr. Spears had been informed of the results of the investigation. Mr. Spears chose to leave his employment with L A Leasing on July 11, 2015 stating at the time that his working hours at the Wilton Precision Steel Company conflicted with part-time employment with a family member.

There being no evidence to the contrary, the administrative law judge concludes based upon the evidence in the record, that Mr. Spears voluntarily quit employment without good cause attributable to the employer. Accordingly, the claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

Because the claimant has been deemed ineligible for benefits any benefits the claimant has received could constitute an overpayment. In this matter, Mr. Spears has not claimed or received unemployment insurance benefits and has not been overpaid.

**DECISION:**

The representative's decision dated August 11, 2015, reference 01, is reversed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, and meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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