

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL Y DOMINGUEZ**  
Claimant

**APPEAL NO. 14A-UI-02792-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FISHER CONTROLS INTERNATIONAL LLC**  
Employer

**OC: 02/09/14**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's decision dated February 27, 2014, reference 02, which denied unemployment insurance benefits finding that the claimant voluntarily quit employment without good cause attributable to the employer. After due notice was provided, a telephone hearing was held on April 3, 2014. The claimant participated. Although duly notified, the employer did not participate. Claimant's Exhibits One and Two were received into evidence.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having considered all the evidence in the record, the administrative law judge finds: Michael Dominguez was employed by Fisher Controls International, LLC from September 26, 2006 until February 11, 2014 when he left his employment without advance notice. Mr. Dominguez was employed as a full-time senior draftsman and was paid by salary. His immediate supervisor was Mr. Kenny Poone.

Mr. Dominguez left his employment with the captioned company on February 11, 2014 stating to his supervisor that he was leaving because of the stress and the traveling. Approximately two days before leaving Mr. Dominguez had supplied a medical statement to the employer indicating that the claimant might be off work intermittently due to panic attacks and, if so, the absences should be authorized for medical reasons.

Mr. Dominguez left his employment with Fisher Controls International, LLC because of a combination of circumstances that the claimant found stressful to him. Although Mr. Dominguez had accepted employment with the company in Marshalltown, Iowa, some years before, Mr. Dominguez continued to reside in Davenport, Iowa. The commute to and from work took considerable time and as time progressed the cost of gasoline escalated. The claimant also was required to make substantial child support payments and these payments were being deducted from his pay. Mr. Dominguez was also concerned because at times he had been late

or absent from work due to weather conditions that affected his commute to work and believed that the absences would eventually be held against him by the company. The claimant also believed that the nature of his work at times was stressful.

After leaving his employment with the captioned employer, Mr. Dominguez began seeking employment in the Davenport, Iowa, area looking for similar work or work in other fields such as music stores, etcetera. The claimant has not been determined by a medical practitioner to be unable to work either prior to the time that he left employment with Fisher Controls International, LLC or thereafter.

### **REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the evidence in the record establishes that Mr. Dominguez left his employment with Fisher Controls International with good cause attributable to the employer. It does not.

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.

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. 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). An individual who voluntarily leaves their employment due to an alleged work-related illness or injury must first give notice to the employer of the anticipated reasons for quitting in order to give the employer an opportunity to remedy the situation or offer accommodation. Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993).

In this case Mr. Dominguez left his employment without advance notice to the employer for a number of reasons. The claimant believed that the increased cost of commuting had become excessive and the claimant felt that the two and one-half hour commute each way to and from work was excessive. The claimant also believed that because of the distance that he had to commute that the company was holding tardiness and absences against him that were caused by weather and that his absences or tardiness were more frequent than the other employees because of the distance that he was commuting. Mr. Dominguez knew the work location when he had accepted it several years before and the employer had not changed the work location or its requirements. Mr. Dominguez also left employment in part because he believed that the child support payments being withheld from his paycheck were excessive and that after he paid for gasoline and the child support payments he had little income left each pay period. These were not factors that were in the control of the employer and thus not attributable to the claimant's employment with the company. The claimant's final reason for leaving was that he believed that the work was stressful, not only because of the above-stated reasons, but also because of the nature of the work itself. The evidence in the record does not establish that the employer had changed the claimant's job responsibilities but Mr. Dominguez was aware of at the time that he had accepted employment several years before. The doctor's statements submitted by the claimant do not establish that the claimant was advised to leave work by his physician but establish only that the claimant should be allowed to be absent intermittently on the days that he was especially anxious. (See Claimant's Exhibits One and Two).

Although sympathetic to the claimant's situation, the administrative law judge concludes, based upon the totality of the evidence in the record, that the claimant's leaving was without good cause that was attributable to the employer. The claimant had accepted the terms of employment several years before and there had been no substantial change in the terms of hire and the evidence does not establish that the claimant had been specifically advised to leave his employment by a medical practitioner or that he had provided advance notice to the employer that he would be leaving employment for medical reasons if accommodations had not been given to him.

While the claimant's reasons for leaving were undoubtedly personal good-cause reasons, they were not good-cause reasons attributable to the employer and thus disqualifying under the provisions of the Employment Security Law.

**DECISION:**

The representative's decision dated February 27, 2014, reference 02, is affirmed. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount and is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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