

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONALD W CHOATE
Claimant

APPEAL NO. 08A-UI-09171-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA DEPARTMENT OF HUMAN
SERVICES-ADMINISTRATION**
Employer

OC: 08/31/08 R: 12
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Ronald Choate (claimant) appealed a representative's September 26, 2008 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Iowa Department of Human Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 29, 2008. The claimant participated personally. The employer was represented by David Williams, Assistant Manager of Appellate Services, and participated by Ron Bruett, Executive Officer 2, and Jeanette Wiig, Public Service Executive 3.

ISSUE:

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on October 29, 2007, as a full-time store keeper 3. The claimant did not get along with a co-worker. On July 1, 2008, the claimant and the co-worker e-mailed one another and copied in the supervisor. The claimant seemed upset by the co-worker. The supervisor asked to meet with the two. The claimant refused to meet.

The supervisor arranged for a meeting with the claimant on July 10, 2008. The supervisor talked to the claimant about his concerns. The claimant said it did not matter because he was quitting to move to San Diego, California.

On July 15, 2008, the claimant submitted his letter of resignation to the employer. The claimant's last day of work was August 1, 2008. Continued work was available had the claimant not resigned. He moved to San Diego, California, on August 8, 2008.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work 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.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 608, 612 (Iowa 1980). The law presumes a claimant has left employment with good cause when he quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The claimant argues that he quit due to intolerable or detrimental working conditions. The conditions that he believes were intolerable or detrimental are the claimant's work environment.

871 IAC 24.25(2), (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:

(2) The claimant moved to a different locality.

(21) The claimant left because of dissatisfaction with the work environment.

When an employee quits work because he is dissatisfied with the work environment or he is moving to another location, his leaving is without good cause attributable to the employer. The claimant's actions indicate he was dissatisfied with his work environment because of a personality conflict with a co-worker. The claimant was unwilling to meet with the supervisor to remedy the problem. He quit and moved to California. There was no evidence presented at the hearing of good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's September 26, 2008 decision (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs