

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ZACHARY D LAWRENCE
Claimant

APPEAL NO. 12A-UI-02178-VS

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELCOME WAY INC
Employer

OC: 01/01/12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated February 24, 2012, reference 01, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 12, 2012, in Davenport, Iowa. The claimant participated. The employer failed to respond to the hearing notice and did not participate. The record consists of the testimony of Zachary Lawrence.

ISSUE:

Whether the claimant voluntarily left for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is a McDonald's restaurant located in Davenport, Iowa. The claimant began working for the employer in December 2007. His job was crew trainer and he usually worked four days a week for nine hours a day. His last day of work was September 25, 2011. He quit his job on September 25, 2011.

As a crew trainer, one of the claimant's responsibilities was to make sure the cleaning tasks for the day were done. He assigned other crew members to perform these tasks. On September 25, 2011, the claimant was frustrated because he saw two employees standing around talking to a manager. He told them that they needed to stay "on task." This same thing happened a second time. The claimant began to wonder if he really wanted to be there and decided to change his clothes and quit.

Other facts led to the claimant's decision to quit. His performance reviewed was delayed for two months, which meant that his quarterly bonus and possible raise were also delayed. He wanted to get into management and two weeks before he quit, two other people in the store were promoted. He never got an explanation on why these two people were promoted and he was not. He often had to stay later than his 11:00 p.m. end of shift because something was not done and he had to do it. He and the manager also got into a dispute over whether he was required to work on a Friday night.

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.

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He voluntarily quit his employment on September 25, 2011, due to what he believed was a hostile work environment. Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). 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 Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

The evidence provided by the claimant does not rise to an intolerable or detrimental work environment. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (Florida App. 1973). The claimant was clearly unhappy with how he was being treated by management. He cited a delay in receiving his bonus and a pay raise. The claimant felt he deserved both. An employer is not required to pay bonuses or give raises, unless there is an obligation imposed on the employer by law or contract, neither of which is present here. The claimant also felt he was not valued by the employer and had to do extra work for which he received no credit. The claimant was paid for all the time he did work for the employer and no wages were withheld from him. The claimant became dissatisfied with the working environment and, while the claimant's complaints might be valid, the treatment he received from the employer does not rise to the level of a hostile workplace. The claimant made the decision to leave; he severed the employment relationship. Since he did so without good cause attributable to the employer, benefits are denied.

DECISION:

The representative's decision dated February 24, 2012, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/kjw