

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GREG M TUREK**  
Claimant

**APPEAL NO. 12A-UI-07224-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KIRKWOOD COMMUNITY COLLEGE -  
AREA 1**  
Employer

**OC: 05-06-12**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 7, 2012, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on July 12, 2012. The claimant did participate. The employer did participate through Sheri Hlavecek, Human Resources Specialist.

**ISSUE:**

Did the claimant voluntary quit his employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as an adjunct instructor part time beginning in August 23, 2011 through December 22, 2011 when he voluntarily quit. The claimant's contract of hire required that he not miss the classes he was required to teach or his payment would be affected. His supervisor spoke to him about the fact that he was missing too many classes and cancelling too many classes and that his absences would affect his payment per his contract. The claimant became upset because the employer was requiring he live with the contract he had signed and the claimant said he was quitting as he would no longer teach any classes where that same individual was his supervisor. The claimant voluntarily quit because the employer asked him to fulfill his obligation to teach all the classes for which the students had paid tuition. The claimant was not laid off due to lack of work, he completed his contract and was paid according to the contract, but because he indicated he did not want to work for a particular supervisor.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the 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.

871 IAC 24.25(13) 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:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

871 IAC 24.25(22) 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:

(22) The claimant left because of a personality conflict with the supervisor.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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 contract signed by the claimant required he not miss more than one class and if he did so the employer could withhold his payment for the class until the end of the semester. The claimant missed or canceled more than one class so his supervisor opted to enforce the provision of the contract not paying the claimant until the class he was teaching was completed. The claimant was paid all the wages which were due to him pursuant to the contract. The claimant was upset that the employer chose to enforce the contract so he quit. He told his supervisor he was quitting and he has not taught another class for this employer, at any location, since. The claimant's choice to quit because the employer wanted him to comply with the contract he agreed to when he signed it is not good cause attributable to the employer for quitting. Benefits are denied.

**DECISION:**

The June 7, 2012 (reference 02) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/pjs