

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PETER CHRISTLE
Claimant

APPEAL 16A-UI-06662-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROSENBOOM MACHINE & TOOL INC
Employer

**OC: 12/13/15
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the June 10, 2016 (reference 05) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on June 30, 2016. Claimant participated. Employer participated through human resource generalist Craig Van Drunen. Employer's Exhibits B and C were received.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer as a full-time lathe operator on March 28, 2016. Claimant resigned on April 4, 2016.

When he was hired, claimant informed employer he had no experience as a lathe operator. Employer assured claimant they would train him.

Employer has a three-week training program for new lathe operators that provided for five hours of class time and three hours of time on the work floor each day. An experienced lathe operator is assigned to work with new lathe operators during the floor training, but may not always be standing directly next to the new operator.

After his first week of training, claimant felt like he was not learning the job. Claimant felt uncomfortable operating the lathe on his own, even though he was being assigned only remedial tasks. Claimant told the person assigned to work with him that he felt uncomfortable, but did not tell anyone with human resources or any members of upper management.

On the last day he worked, Friday, April 1, 2016, claimant broke two blades on the lathe he was operating. After he broke the second blade, the experienced lathe operator told claimant to stop using the machine for the rest of the shift.

On Monday, April 4, 2016, claimant arrived at work and asked to speak with an employee in the human resources department. No one was immediately available. Claimant submitted a resignation note stating, "Feel this is not my type of employment at this time."

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(27) and (33) 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:

(27) The claimant left rather than perform the assigned work as instructed.

(33) The claimant left because such claimant felt that the job performance was not to the satisfaction of the employer; provided, the employer had not requested the claimant to leave and continued work was available.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

Here, employer provided a sufficient amount of training for the position of lathe operator. While claimant may have felt uncomfortable in the position, he did not give employer a reasonable opportunity to try to address his concerns. He only underwent one week of training and did not speak with any human resource or upper management level employee before submitting his resignation. The average person would not have found the work unsafe or the environment intolerable. While claimant may have resigned for a good personal reason, he did not resign for a good cause reason attributable to employer.

DECISION:

The June 10, 2016 (reference 05) unemployment insurance decision is affirmed. Claimant voluntarily left the 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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Decision Dated and Mailed

cal/pjs