

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFF D HUTCHINS
Claimant

DISCOVERY TRAIL HEALTHCARE INC
Employer

APPEAL 19A-UI-05241-S1-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/09/19
Claimant: Appellant (1)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jeff Hutchins (claimant) appealed a representative's June 25, 2019, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits because the claimant had voluntarily quit employment with Discovery Trail Healthcare (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 25, 2019. The claimant participated personally. The employer participated by Jenny Vote, Registered Nurse/Clinical Resource Person, and Amanda Lanser, Administrator.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 April 30, 2014, as a full-time maintenance supervisor. He had been working for some time on changing elevator companies. On June 10, 2019, the claimant learned the administrator was not going to change elevator companies. Also on June 10, 2019, the director of nursing was terminated. The claimant had a relationship with the director of nursing. On June 10, 2019, the claimant became upset and told a co-worker he was quitting because the administrator did not change elevator companies. As the co-worker walked the claimant out, the claimant made an obscene hand gesture to three employees. Continued work was available had the claimant not separated from employment.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant did voluntarily quit work without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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(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:

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

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 claimant's intention to voluntarily leave work was evidenced by his words and actions. He told the employer he was leaving and quit work. When an employee quits work because he is dissatisfied with the work environment, his leaving is without good cause attributable to the employer. The claimant left work because he did not like the administrator's business choices in terminating an employee and choice of elevator service. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

DECISION:

The representative's June 25, 2019, 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/rvs