

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JOSEPH E MCMULLEN
Claimant

APPEAL NO. 18A-UI-10132-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FEEDERS GRAIN & SUPPLY INC
Employer

**OC: 09/16/18
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Joseph McMullen (claimant) appealed a representative's October 2, 2018, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Feeders Grain & Supply (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 23, 2018. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

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 worked for the employer from July 26 to August 22, 2018, as a full-time truck driver. He was hired by Lanney and the claimant understood that she was his supervisor. Shortly after the claimant was hired, there was a staffing issue at the company. Two employees quit because of the dispatcher's behavior.

The dispatcher repeatedly gave loads to people hired after the claimant. She then yelled at the claimant to find something to do in the warehouse. The claimant was hired to drive trucks and deliver feed. He had no training to do anything else but would ask other employees if they needed help. The dispatcher complained to the claimant that he was late returning from deliveries. The claimant explained that he had to travel the speed limit.

A year before the claimant started working for the employer he purchased four new tires for his personal vehicle. If the claimant left the employer's facility for a delivery, he would often return to find one or two flat tires on his personal vehicle. He had about ten tires repaired while he worked for the employer. During his employment he repaired every tire on his car at least once. If the claimant worked on site at the employer's facility, no tires would be flat on his personal vehicle at the end of the day. The claimant reported the issue to Lanney and the dispatcher. They informed him there were no cameras in the area he parked his vehicle. He tried to park his vehicle in a more secure area but the employer said he could not.

On August 22, 2018, at about 10:15 a.m. the dispatcher yelled at the claimant while he was on the telephone with a customer. She told him to get busy and productive. After he finished the telephone conversation, he told the dispatcher he had been talking to a customer. She scowled at him and did not respond. The claimant wrote a note saying he could not take any more of the dispatcher's badgering and belittling. He walked off the job. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant voluntarily quit work with 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. 871-24.26(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.

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 notified the employer of his issues with his vehicle. The employer did not protect the claimant's personal property and keep him free from unnecessary aggravation from a co-worker in the work place. The claimant subsequently quit due to his working conditions. The employer knew about the repeated damage to the claimant's property and did nothing. The claimant is eligible to receive unemployment insurance benefits, provided he meets all the qualifications.

DECISION:

The representative's October 2, 2018, decision (reference 01) is reversed. The claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed, provided claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs