

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DOUGLAS P HALEY**  
Claimant

**GUARDIAN INDUSTRIES CORPORATION**  
Employer

**APPEAL 17A-UI-01203-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/01/17**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.25(21) – Quit Due to Dissatisfaction with Work Environment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the January 24, 2017 (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit his position without good cause attributable to the employer. The parties were properly notified of the hearing. A telephone hearing was held on February 22, 2017. The claimant, Douglas P. Haley, participated. The employer, Guardian Industries Corporation, participated through Grace Cooper, HR Generalist. Claimant's Exhibits A and B Employer's Exhibit 1 were received and admitted into the record without objection.

**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 was employed full time, most recently as a customer account manager, from May 2, 2016, until December 27, 2016, when he resigned. Claimant drafted a resignation email and sent it to Blake Brunsvold, his supervisor. (Exhibit 1) In this email, claimant states that the stress of his position was leading to sleepless nights and health issues. Claimant testified that his doctor did not advise him to quit his employment. Continued work was available.

Claimant explained that one of the issues he had with his position was the overtime he worked. This was not mandatory overtime, and claimant held a salaried position with the employer. Claimant's typical schedule was 8:00 a.m. until 5:00 p.m. He testified that toward the end of his employment, he was working one or more hours of overtime each day and was also working on the weekend. No one told claimant that he had to work overtime. Cooper testified that employees who hold customer account manager positions work overtime for a variety of reasons. Some employees work overtime due to the large volume of work they have, other employees like to work ahead, and others work overtime to compensate for organization and time management deficits. Cooper is not aware of claimant ever requesting to reduce his overtime or change his workload in a way that would alleviate the overtime he worked.

## REASONING AND CONCLUSIONS OF LAW:

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

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. 871-24.26(1) provides:

The following are reasons for a claimant leaving employment with good cause attributable to the employer:

24.26(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

In general, a substantial pay reduction of 25 to 35 percent or a similar reduction of working hours creates good cause attributable to the employer for a resignation. *Dehmel v. Emp't Appeal Bd.*, 433 N.W.2d 700 (Iowa 1988). A notice of an intent to quit had been required by *Cobb v. Emp't Appeal Bd.*, 506 N.W.2d 445, 447-78 (Iowa 1993), *Suluki v. Emp't Appeal Bd.*, 503 N.W.2d 402, 405 (Iowa 1993), and *Swanson v. Emp't Appeal Bd.*, 554 N.W.2d 294, 296 (Iowa Ct. App. 1996). Those cases required an employee to give an employer notice of intent to quit, thus giving the employer an opportunity to cure working conditions. However, in 1995, the Iowa Administrative Code was amended to include an intent-to-quit requirement. The requirement was only added to rule 871-24.26(6)(b), the provision addressing work-related health problems. No intent-to-quit requirement was added to rule 871-24.26(4), the intolerable working conditions provision. Our supreme court recently concluded that, because the intent-to-quit requirement was added to Iowa Admin. Code r. 871-24.26(6)(b) but not 871-24.26(4), notice of intent to quit is not required for intolerable working conditions. *Hy-Vee, Inc. v. Emp't Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

Iowa Admin. Code r. 871-24.25 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.

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, claimant left his employment due to the stress of working overtime. He was aware that he would have to work overtime when he accepted this position, and he never spoke with the employer about concerns regarding the amount of overtime he was working to request an adjustment to his workload. The average person in claimant's situation would not feel similarly compelled to leave employment under these circumstances. Claimant has not provided evidence showing his contract of hire was changed, causing him to leave his employment.

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). Claimant submitted his letter of resignation and he left his employment. While claimant's leaving the employment may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits must be denied.

**DECISION:**

The January 24, 2017 (reference 01) unemployment insurance decision is affirmed. Claimant separated from 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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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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