

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BILLY A ANDERSON
Claimant

DECKER PLASTICS INC
Employer

APPEAL 15A-UI-06053-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the May 12, 2015, (reference 01) 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 24, 2015. Claimant participated. Employer participated through Vice President of Sales Mike Decker and President Bob Decker. Witness Donna Marcuzzo was also present but did not testify.

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 from January 24, 2005, and was separated from employment on April 23, 2015, when he resigned his employment. Claimant's most recent position was plant manager.

Claimant became plant manager in July 2011. Beginning in 2014, claimant became overwhelmed with the job as he was also performing the duties of press operator. He was working approximately 40 to 45 hour per week and was "on call" 24 hours per day, seven days per week. Claimant felt he was underpaid for the duties he was performing. Claimant began experiencing headaches and nausea because of stress at work. However, claimant did not seek medical treatment as he did not have health insurance.

Several weeks before his resignation, claimant told his supervisor, Bob Decker, that he wanted to step down from the position of plant manager and instead work as a machine operator on the third shift. Claimant explained that due to issues at home in addition to responsibilities at work, he no longer wanted to work in the position of plant manager. Bob Decker asked claimant to remain in the position until he could recruit and hire a new plant manager. Bob Decker then began the process of recruiting a new plant manager. Claimant was aware of Bob Decker's efforts.

On April 23, 2015, claimant verbally informed Mike Decker that he was resigning his employment. Mike Decker asked claimant to reconsider his decision, but he declined.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds claimant failed to establish that he voluntarily quit for good cause attributable to 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(13), (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 § 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 § 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.

(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).

Claimant voluntarily quit his employment, in part, because he was dissatisfied with the wages. However, claimant knew the wage when he accepted the position and only became dissatisfied after working in the position for over two years.

Claimant also left his employment because he believed the working conditions were intolerable. Individuals who leave their employment due to intolerable or detrimental working conditions are deemed to have resigned for good cause attributable to the employer. The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Dep't of Job Serv.*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Emp't Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993). In this situation, a reasonable person would have allowed employer the additional time it would have taken to hire a replacement. Instead claimant quit abruptly, with very little notice. The work environment at the time of claimant's resignation was not intolerable.

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. Benefits must be denied.

DECISION:

The decision of the representative dated May 12, 2015, (reference 01) is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Christine A. Louis
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Decision Dated and Mailed

cal/pjs