

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DILLON J CLARK
Claimant

APPEAL NO. 15A-UI-14195-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TPI IOWA LLC
Employer

OC: 11/29/15
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 21, 2015 (reference 01) which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 19, 2016. Claimant participated. Employer participated by Danielle Williams. Claimant's Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 3, 2015. Claimant alleges that he quit working because of a new episode of contact dermatitis which arose shortly after Thanksgiving. Claimant walked off his shift on December 3, 2015.

Employer stated that claimant walked off his shift on December 3, 2015, as employer requested claimant participate in a random drug screen on that date. Rather than participate in the drug screening, claimant walked off the floor and quit his job.

Claimant visited the doctor in September and early-October 2015. During those visits, doctor stated that claimant had contact dermatitis, and on the second visit gave an ointment and an antihistamine.

Claimant did not go back to the doctor after his alleged, most recent occurrence. Claimant did not mention anything about the drug screen request by employer during his testimony. Claimant stated that he told employer he was going to quit and had clocked out, and then employer asked claimant for a random drug screen. Employer stated that they never ask former employees for a drug screen, as that would not be necessary.

REASONING AND CONCLUSIONS OF LAW:

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.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa Ct. App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *State v. Holtz*, Id. In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *State v. Holtz*, Id.

In this matter, the testimony of the claimant was not credible. It is not credible that claimant made the decision in the middle of his shift to quit, he informed employer of his quitting, he clocked out of work, and then he was informed he had to take a drug test. It is far more credible that claimant was asked to take a drug test, and this request, combined with claimant's dermatitis, led claimant to decide that he was finished with the job.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was asked to take a drug screen.

DECISION:

The decision of the representative dated December 21, 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.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

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