

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROGER A KALKE
Claimant

US POSTAL SERVICE
Employer

APPEAL NO. 14A-UI-11129-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/28/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Roger Kalke (claimant) appealed an unemployment insurance decision dated October 16, 2014 (reference 01) which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with the U.S. Postal Service (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 17, 2014. The claimant participated in the hearing. The employer did not comply with the hearing notice instructions and did not call in to provide a telephone number at which a representative could be contacted and, therefore, did not participate.

ISSUE:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

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 employed as a part-time city carrier associate from November 5, 2013 through September 23, 2014 when he suddenly told his supervisor he quit. He had always felt a lot of pressure and bullying from his supervisor but had been off work for four months due to a broken ankle. The supervisor even texted him when he was off work to ask when he would return. The claimant returned to work on Thursday, September 18, 2014. At the end of the day, he had to limp because his ankle was swollen and hurt. He worked a total of four days before he quit.

On September 23, 2014 the claimant struggled because he was given a new, unknown route which was confusing to him. His supervisor tried to give him directions over the phone and it made matters worse. The supervisor also repeatedly called him to ask if he could do another loop but someone else eventually took the loop. At the end of his route on Tuesday, the claimant was struggling with his ankle when his supervisor started talking about the directions again. The claimant unexpectedly told his supervisor he quit. He knew that once he said it, there was no way to retract it even though he might have wanted to do so.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980) and *Peck v. Employment Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant demonstrated his intent to quit and acted to carry it out by telling his supervisor on September 23, 2014, that he quit his job. He was overwhelmed due to foot and ankle pain and quit without really thinking about it.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). The evidence provided by the claimant does not rise to an intolerable or detrimental work environment. "Good cause" for leaving employment must be that which is reasonable to the average person, not to the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Florida App. 1973).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has not satisfied that burden. Benefits are denied.

DECISION:

The unemployment insurance decision dated October 16, 2014 (reference 01) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

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