

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**THOMAS JUSKIEWICZ**  
Claimant

**GCOE LLC**  
Employer

**APPEAL 20R-UI-10369-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20  
Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On June 18, 2020, Thomas Juskiewicz (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated June 16, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit on October 15, 2019 without good cause attributable to employer.

A telephone hearing was set for July 16, 2020. The parties were properly notified of the hearing. The claimant did not register a number for the hearing and did not participate. After waiting fifteen minutes from the hearing start time, the record was closed. A default order was entered on July 23, 2020.

Claimant appealed the default order to the Employment Appeal Board (EAB). The EAB remanded for a new hearing. A telephone hearing was held on October 12, 2020. The parties were properly notified of the hearing. The claimant participated personally. GCOE LLC (employer/respondent) did not register a number for the hearing and did not participate.

Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Was the separation from employment a layoff, discharge for misconduct, or voluntary quit without good cause?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant worked for employer full-time as the executive director of the Register's Annual Great Bike Ride Across Iowa, or RAGBRAI. Claimant began working for employer in June 2003. The last day claimant worked on the job was October 15, 2019. Claimant voluntarily resigned on that date.

Claimant resigned because his supervisors would not allow him to make a public statement regarding the nature of the relationship between RAGBRAI and the Des Moines Register.

Claimant wished to make this statement because of a negative response to articles the Register published. This negative response spilled over to employer and claimant. Claimant wished to clarify to participants and others that money from RAGBRAI was not going to support the Register but was instead going to support nonprofits. Around this same time, claimant discovered there was not nearly as much money going from RAGBRAI to nonprofits as he had believed.

Claimant started another event company immediately after resigning. However, the event he was planning had to be cancelled due to the pandemic. Claimant began working for another employer on July 1, 2020.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated June 16, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit on October 15, 2019 without good cause attributable to employer is AFFIRMED.

Iowa Code section 96.5(1)a 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. 871-24.25 provides in relevant part:

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:

(19) The claimant left to enter self-employment.

(21) The claimant left because of dissatisfaction with the work environment.

(22) The claimant left because of a personality conflict with the supervisor.

Iowa Admin. Code r. 871-24.26 provides in relevant part:

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:

(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.

(4) The claimant left due to intolerable or detrimental working conditions.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). "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". *Id.* (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)).

"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 S.2d 827 (Florida App. 1973). While a notice of intent to quit is not required to obtain unemployment benefits where the claimant quits due to intolerable or detrimental working conditions, the case for good cause is stronger where the employee complains, asks for correction or accommodation, and employer fails to respond. *Hy-Vee Inc. v. EAB*, 710 N.W.2d 1 (Iowa 2005).

Iowa unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code §§ 96.5(1) and 96.5(2)a. A voluntary quitting of employment requires that an employee exercise a voluntary choice between remaining employed or terminating the employment relationship. *Wills v. Emp't Appeal Bd.*, 447 N.W.2d 137, 138 (Iowa 1989); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438, 440 (Iowa Ct. App. 1992). 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).

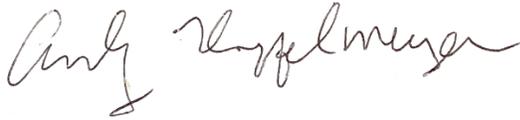
Employer has carried its burden of proving claimant's departure from employment was voluntary. However, claimant has not carried his burden of proving the voluntary leaving was for good cause attributable to employer.

Claimant's resignation is more aptly described as being due to dissatisfaction with the work environment, due to a personality conflict with a supervisor, and due to a desire to enter self-employment rather than due to intolerable or detrimental working conditions. While the administrative law judge understands claimant's reasons for resigning and his frustration with his supervisor's directions, a reasonable person in claimant's position would not find the working conditions so intolerable or detrimental as to justify quitting.

The administrative law judge finds claimant's quitting was not with good cause attributable to employer. Benefits must therefore be denied.

**DECISION:**

The decision dated June 16, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit on October 15, 2019 without good cause attributable to employer is AFFIRMED. Claimant's separation from employment was disqualifying. Benefits must be denied, and employer's account shall not be charged. This disqualification shall continue until claimant has earned wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is not otherwise disqualified or ineligible.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
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Fax (515) 478-3528

October 16, 2020  
Decision Dated and Mailed

abd/scn

**Note to Claimant:**

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.