

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

WILLIE L DEAN
Claimant

APPEAL NO: 15A-UI-00968-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALLSTEEL INC
Employer

OC: 11/30/14
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Willie L. Dean (claimant) appealed a representative's January 14, 2015 (reference 02) decision that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment with AllSteel, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 18, 2015. This appeal was consolidated for hearing with related Appeal No. 15A-UI-00969-DT. The claimant participated in the hearing. Deniece Norman, representative, appeared on the employer's behalf and presented testimony from two witnesses, Cassie Barber and Christian Smith. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

OUTCOME:

Affirmed. Benefits denied.

FINDINGS OF FACT:

After a prior period of employment with the employer, the claimant most recently resumed working for the employer on September 3, 2013. He worked full time as a first shift work cell operator in the employer's Muscatine, Iowa component plant. His last day of work was October 17, 2014. He gave his notice of resignation on October 6, 2014. His stated reason for quitting was that he had been getting sick and was going to go back to retirement.

The claimant had been off on a period of medical leave from July 6 through September 15. He was upset that during his leave he had gotten a letter from the employer advising him that he needed to return to work as his leave was expiring. He was also upset because his former supervisor had indicated that he was missing too much work and that his job could be in

jeopardy when he returned. That supervisor was no longer in place when the claimant returned from his leave and the claimant was never given anything in writing indicating that his job was in jeopardy due to his absence. The employer did not consider the claimant's job to be in jeopardy due to his absence.

The employer had given the claimant a written counseling on October 3 regarding his job performance. The claimant viewed this as harassment and as a prelude to discharging him. The employer did not consider the claimant's job to be in imminent jeopardy due to the work performance issue; the next step that could have been taken if the job performance issues continued was not discharge.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit his employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Rule 871 IAC 24.25 provides that, 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. A voluntary leaving of employment requires an intention to terminate the employment relationship and an action to carry out that intent. *Bartelt v. Employment Appeal Board*, 494 N.W.2d 684 (Iowa 1993); *Wills v. Employment Appeal Board*, 447 N.W.2d 137, 138 (Iowa 1989). The claimant did express or exhibit the intent to cease working for the employer and did act to carry it out. The claimant would be disqualified for unemployment insurance benefits unless he voluntarily quit for good cause.

The claimant has the burden of proving that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. Rule 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment is not good cause. Rule 871 IAC 24.25(21). Quitting because a reprimand has been given is not good cause. Rule 871 IAC 24.25(28). The claimant has not provided sufficient evidence to conclude that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. Employment Appeal Board*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). Benefits are denied.

DECISION:

The representative's January 14, 2015 (reference 02) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of October 17, 2014 benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/can