

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**FRANCISCO J BARAJAS**  
Claimant

**IOWA PREMIUM LLC**  
Employer

**APPEAL 16A-UI-04587-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/27/16**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 13, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a determination that claimant voluntarily quit work by resigning, and his employer accepted the resignation. The parties were properly notified of the hearing. A telephone hearing was held on May 3, 2016. The claimant, Francisco J. Barajas, participated. The employer, Iowa Premium, L.L.C., registered a telephone number but did not answer when the administrative law judge called and did not participate in the hearing.

**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 as a maintenance employee from October 20, 2009, until this employment ended on March 10, 2016, when he quit due to safety concerns.

Claimant sent a note resigning from his employment to the employer's CEO. Claimant intended to work until March 25, 2016. However, after claimant submitted his resignation, the employer walked him out and told him he was not needed anymore. No one gave claimant an opportunity to gather his tools. Claimant testified he was resigning because of safety concerns. The employer had recently changed the safety director, and claimant disagreed with this person on proper safety practices. One employee got killed while working due to the safety practices. Claimant believed he would be in danger or he would have to put other people in danger, due to the new safety director's policies.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed.

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. 871-24.26(2) and (4) provide:

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:

(2) The claimant left due to unsafe working conditions.

(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). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). Here, the claimant testified he had serious safety concerns after the employer hired a new safety director. Claimant credibly testified that he was concerned about the safety of himself and his coworkers. As the employer did not participate in the hearing, there is no evidence in the record to challenge claimant's statements. Benefits are allowed.

**DECISION:**

The April 13, 2016, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

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Elizabeth Johnson  
Administrative Law Judge

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Decision Dated and Mailed

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