

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRENT A STAMP
Claimant

APPEAL NO. 14A-UI-12216-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMPC INC
Employer

OC: 01/19/14
Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Brent Stamp filed a timely appeal from the November 18, 2014, reference 02, decision that disqualified him for benefits and that relieved the employer of liability for benefits; based on an Agency conclusion that he had voluntarily quit on November 9, 2014 without good cause attributable to the employer. After due notice was issued, a hearing was held on December 15, 2014. Mr. Stamp participated. Krista Robinson represented the employer and presented additional testimony through Donna Peyton. The hearing in this matter was consolidated with the hearing in Appeal No. 14A-UI-12215-JTT.

ISSUE:

Whether Mr. Stamp's November 9, 2014 voluntary quit was for good cause attributable to the employer. It was not.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Brent Stamp was employed by AMPC, Inc. from October 29, 2014 until November 3, 2014 when he voluntarily quit because he disliked the assigned work duties. Gary Colvin, Plant Manager, hired Mr. Stamp to work as a full-time cook operator. Mr. Stamp went through an application and interview process prior to accepting the employment. As part of that process, the employer fully apprised Mr. Stamp of the work duties and that the work duties would involve walking on elevated catwalks to perform assigned duties. Mr. Stamp has a fear of heights, but accepted the employment nonetheless. The catwalks are about 25 feet above the ground and have railings to protect against falls. The catwalks are accessed via stairs. Once in the employment, Mr. Stamp decided that working on the catwalks was not for him. Mr. Stamp worked two shifts, November 1 and 2, 2014. On November 3, 2014 Mr. Stamp notified Mr. Colvin that he was quitting. The quit was to be effective immediately. Mr. Stamp does not have a medical diagnosis or a mental health diagnosis associated with his fear of heights. The decision to quit the employment was not based on a medical or mental health diagnosis or upon the advice of a medical professional or mental health professional.

Though Mr. Stamp had quit on November 3, 2014 Mr. Colvin contacted Mr. Stamp on November 4, 2014 and offered Mr. Stamp another position, in the employer's packaging area. Mr. Stamp accepted the offer the employment and reported for his first shift on November 7, 2014. At the start of the shift, the supervisor provided Mr. Stamp with a job description and Mr. Stamp signed his acknowledgment of the same. The work involved preparing packages to be filled. The weight of the packages when full was to be between 35 and 60 pounds. The work would involve moving 50 pound boxes. The work would involve operating equipment to move pallets of product. The work would involve frequently climbing stairs and ladders. Mr. Stamp worked just the one shift in the new position. On Sunday, November 9, 2014 Mr. Stamp notified a coworker that he was quitting the employment and asked the coworker to convey the message to Mr. Colvin. Mr. Stamp quit this second position because he did not care for the lifting involved. Mr. Stamp is a 36-year-old man with no injury or disability that would prevent him from performing the work. Mr. Stamp's decision to quit the second position was not based on the advice of a medical professional.

The employer had in no way misled Mr. Stamp with regard to the duties involved in either position.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

The evidence in the record indicates that Mr. Stamp voluntarily quit the employment on November 9, 2014 because he disliked the work duties. Mr. Stamp's voluntarily quit was without good cause attributable to the employer. Accordingly, Mr. Stamp is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits.

DECISION:

The November 18, 2014, reference 02, decision is affirmed. The claimant voluntarily quit the employment on November 9, 2014, without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in a been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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