

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**FELIX PALMILLAS CANTU**  
Claimant

**DETAIL AUTO APPEARANCE CENTER LLC**  
Employer

**APPEAL 19A-UI-08126-AW**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 09/22/19**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Claimant/appellant filed an appeal from the October 11, 2019 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. An in-person hearing was held in Des Moines, Iowa on November 5, 2019, at 2:30 p.m. Claimant participated with his hearing representative, Robert Davis. Employer participated through Luke Stagg, Owner. Additional witnesses for employer included Joshua Stagg and John Olson. Claimant's Exhibits 1 - 5 were admitted. Employer's Exhibits A – K were admitted.

**ISSUE:**

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was most recently employed with Detail Auto Appearance Center, LLC as a full-time automotive detailer from April 11, 2019 until his employment ended on September 19, 2019. (L. Stagg Testimony) Claimant worked Monday through Friday from 7:30 a.m. until 4:15 p.m. (L. Stagg Testimony) Claimant's direct supervisor was John Olson, Shop Foreman. (L. Stagg Testimony)

In early September, 2019, claimant approached employer with three business proposals. (Claimant Testimony) The proposals involved claimant detailing automobiles "on the side" in such a way that claimant could benefit to employer's detriment. (Claimant Testimony) Employer rejected claimant's offers as they presented a conflict of interests. (L. Stagg Testimony) After employer rejected claimant's proposals, claimant's quality of work declined. (L. Stagg) On September 18, 2019, employer brought performance issues to claimant's attention in the form of photographs taken of vehicles claimant did not properly or completely detail. (L. Stagg Testimony; Exhibit J) Claimant was dismissive. (L. Stagg Testimony) This culminated in a text message exchange between claimant and employer on September 18, 2019 wherein employer stated "your quality shows me that you really don't want to be here. Maybe it's time you move on." (Exhibit J) Employer did not discharge claimant. (Exhibit J) Claimant considered this the "last straw;" claimant did not return to work after September 18, 2019. (Claimant Testimony)

Claimant submitted his written resignation on September 23, 2019 by placing it in employer's mailbox. (Claimant Testimony)

Claimant's resignation cited a hostile work environment as his reason for quitting. (L. Stagg Testimony) Claimant provided multiple reasons for quitting his job including feeling micromanaged, being assigned dirtier cars than other detailers in retaliation, and not receiving a three month evaluation and raise to which he was not entitled. (Claimant Testimony) Claimant provided a photograph that he took himself of a coworker "mooning" him at work as evidence of a hostile workplace. (Claimant Testimony) Claimant also cited his decision not to attend the company retreat from August 29, 2019 to September 2, 2019 and belief that his absence was held against him as reasons for quitting. (Claimant Testimony) Claimant provided no evidence of negative treatment resulting from him not attending.

There was continuing work available to claimant if he had not quit. (L. Stagg Testimony) Claimant's job was not in jeopardy. (L. Stagg Testimony)

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

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit without good cause attributable to employer. Benefits are denied.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). 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); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). 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). Where a claim gives numerous reasons for leaving employment the agency is required to consider all stated reasons which might combine to give the claimant good cause to quit in determining any of those reasons constitute good cause attributable to the employer. *Taylor v. Iowa Dep't of Job Serv.*, 362 N.W.2d 534 (Iowa 1985).

Iowa Admin. Code r. 871-24.25(13), (21), (22), and (28) provide:

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:

(13) The claimant left because of dissatisfaction with the wages but knew the rate of pay when hired.

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

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

(28) The claimant left after being reprimanded.

It is the duty of the administrative law judge, as the trier of fact, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other evidence you believe; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

The findings of fact show how I have resolved the disputed factual issues in this case. I assessed the credibility of the witnesses who testified during the hearing, considering the applicable factors listed above, and using my own common sense and experience. I find the employer's testimony to be more credible than the claimant's testimony. For example, claimant testified that he did not believe his business proposals to be a conflict of interest for employer even after being confronted with an example of how his proposal would benefit him to employer's detriment. Claimant took and saved the photograph of his coworker "mooning" in the workplace and smiled and laughed during his testimony about the incident; these are not the actions of someone who believes the conduct is offensive and created a hostile work environment. Claimant's testimony lacked credibility.

Claimant's written resignation is both evidence of his intention to sever the employment relationship and an overt act of carrying out his intention. Claimant voluntarily quit his employment. Claimant provided multiple reasons for quitting his job. The administrative law judge has considered all of them and finds that none of them constitute good cause attributable to the employer. Claimant's discontent with his wages, disagreement with his supervisor and dislike of the work environment do not constitute good cause. Similarly, claimant left after being reprimanded regarding the quality of his work, which does not constitute good cause. Claimant has not met his burden of proving he voluntarily quit with good cause attributable to employer. Benefits are denied.

**DECISION:**

The October 11, 2019 (reference 01) unemployment insurance decision is affirmed. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

---

Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

---

Decision Dated and Mailed

acw/scn