

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

WAIN M ZAIN
Claimant

APPEAL NO. 17A-UI-00310-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FORREST AND ASSOCIATE INC
Employer

OC: 12/04/16
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 27, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 31, 2017. Claimant participated. Employer participated by Rob VanHeeswyk.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 28, 2016. Claimant went in to speak with employer about his desire to no longer work for employer. Claimant stated that he was upset about a foreman at the job where he was working. Claimant did not share this information with employer. Claimant stated that he and employer agreed to claimant being voluntarily laid off.

Employer disputed claimant's statement. Employer said claimant had not shown up for work for a couple of days, and when he came in he stated that the work was too hard, and he was going to go mow lawns. Employer stated that there was ongoing work available for claimant at the time when he quit. Employer further stated that there was no mention of a voluntary layoff.

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.

Iowa Admin. Code r. 871-24.25(22) provides:

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:

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

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he was unhappy with his job and with his relationship with his foreman. Claimant had not shared this dissatisfaction with anyone prior to his quit.

DECISION:

The decision of the representative dated December 27, 2016, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/rvs