

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY L HOEFT
Claimant

APPEAL NO. 06A-UI-12412-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CENTRAL GLAZING INC
EDDY'S GLASS & DOOR**
Employer

**OC: 11/26/06 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Tracy L. Hoeft (claimant) appealed a representative's December 19, 2006 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment from Central Glazing, Inc., Eddy's Glass & Door (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 17, 2007. The claimant participated in the hearing and presented testimony from one other witness, Matt Zrostlik. Steve Rochleau appeared on the employer's behalf. 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?

FINDINGS OF FACT:

The claimant started working for the employer's predecessor on August 15, 2001. Mr. Rochleau purchased the business and continued its operation with the existing employees, including the claimant, in January 2004. The claimant worked full-time as an installer on a 7:30 a.m. to 4:00 p.m., Monday through Friday schedule. His last day of work was November 22.

The claimant was previously married to Mr. Rochleau's daughter; however, the marriage was dissolved prior to January 2004, and Mr. Rochleau had provided assistance to the claimant throughout the divorce process. Mr. Rochleau rarely discussed the family issues at work, but the claimant was continually self-conscious of the awkward position he felt he was in due to working for his ex-father-in-law – he felt constrained not to decline requests to do work that he might otherwise have preferred to decline. He did not share these feelings or concerns with Mr. Rochleau.

The claimant and his daughters had continued to share holidays including Thanksgiving with Mr. Rochleau and his wife after the claimant's divorce from Mr. Rochleau's daughter, but for Thanksgiving 2006 the claimant had informed Mr. Rochleau and his wife he had other plans.

The only comment Mr. Rochleau had made to the claimant at work regarding the topic was that he was going to miss seeing his granddaughters. However, at approximately 3:30 p.m. on Tuesday, November 21, unbeknownst to Mr. Rochleau, his wife came to the business and found the claimant working in the break room. She spoke to the claimant for approximately a half hour in a raised voice, scolding him for not taking his daughters' feelings into consideration, and otherwise making him feeling guilty about not going to their house for Thanksgiving. Mr. Rochleau was not aware of what was going on until Mr. Zrostlik, another installer, came into his office and told him, indicating that it did not seem to be appropriate. By the time Mr. Rochleau got to the break room, the discussion was over and the claimant and Mr. Rochleau's wife were leaving. Mr. Rochleau later told his wife she should not do anything like that again; her explanation was that she had been unsuccessful in her attempts to catch the claimant to talk to him off work, so she had gone to where she knew he would be near the end of the workday.

After the incident with Mr. Rochleau's wife, the claimant decided that things were just too close and too uncomfortable, and so decided to quit. He made arrangements with Mr. Zrostlik to go into the shop on Saturday, November 25, to pick up his tools, and then did not report to work as scheduled on Monday, November 27. When Mr. Rochleau saw that the claimant was not at work and that his tools were gone, he assumed the claimant had quit, but called the claimant's parents to find out where the claimant was. He then went and spoke with the claimant and offered the claimant the opportunity to return to work; however, the claimant responded that he just wanted to start over.

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 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.

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. Bartelt v. Employment Appeal Board, 494 N.W.2d 684 (Iowa 1993). 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 him. Iowa Code § 96.6-2. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). Leaving because of a dissatisfaction with the work environment or a personality conflict is not good cause. 871 IAC 24.25(21), (23). While the claimant's work situation was perhaps not ideal and was somewhat personally awkward, he 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). The claimant has not satisfied his burden. Benefits are denied.

DECISION:

The representative's December 19, 2006 decision (reference 01) is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. As of November 25, 2006, 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

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