

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANTHONY PETER
Claimant

MEDIACOM COMMUNICATIONS
Employer

APPEAL 15A-UI-12062-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/04/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Anthony Peter (claimant) filed an appeal from the October 23, 2015 (reference 01) unemployment insurance decision that denied benefits based upon the determination he voluntarily quit his employment when he refused to continue working, which is not a good cause reason attributable to Mediacom Communications (employer). The parties were properly notified about the hearing. A telephone hearing was held on November 17, 2015. The claimant participated on his own behalf. The employer did not participate.

ISSUE:

Did the claimant voluntarily quit the employment with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a Preventative Maintenance Technician beginning on March 22, 1999 and was separated from employment on August 7, 2015; when he quit. The claimant worked for the employer for 16 years. During his employment, he was told to keep his phone on at all times and over the last four years of his employment, other employees would call him after hours while they were on calls to assist with issues they were having. His supervisor Rob Gasman, for whom he had worked during his entire employment, did not respond to the other technicians' phone calls which led them to contact the claimant. Additionally, Gasman would be the last one to arrive at work and the first one to leave work. The claimant reported his issues with his supervisor to numerous people but the issues were not resolved. He also felt the employer did not care about its employees, using them and then discarding them. He did not feel he was adequately compensated for the additional skills he acquired over his employment. Nothing in particular changed over the last month of the claimant's employment; he was frustrated and decided not to return to work on August 8, 2015.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. Benefits are denied.

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(13), (21), (22), and (27) 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 § 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 § 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.

(27) The claimant left rather than perform the assigned work as instructed.

Iowa Admin. Code r. 871-24.26(4) provides:

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:

(4) The claimant left due to intolerable or detrimental working conditions.

The 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). 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).

The claimant's decision to leave his employment without notice or reason, and the failure to return to work, renders the separation job abandonment without good cause attributable to the employer. The claimant testified to his overall frustration with the work environment and indicated he could no longer continue in that environment. However, his frustrations and the reasons for them would not lead a reasonable average person to find the workplace intolerable or detrimental. While the claimant had every right to quit his employment as it was an at-will employment relationship, he decided to leave his employment due to a dislike of the work environment and personality issues with his supervisor which are not good cause reasons attributable to the employer. Accordingly, benefits are denied.

DECISION:

The October 23, 2015 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

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