

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

THADDEUS D USHER
Claimant

RIES DAIRY FARM
Employer

APPEAL NO. 17A-UI-01192-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/01/17
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 January 23, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 22, 2017. Claimant participated. Employer participated by Sandra Ries, Nathan Ries, and Claire Lundquist.

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 December 20, 2017. Claimant stated that he was terminated that day after he walked off of his job and did not respond to employer when employer asked him as he was walking off, "Does that mean you quit?".

Employer's witnesses stated that claimant had threatened to quit if he did not get a Christmas bonus. The witnesses also said that claimant stated that he really needed this money. Claimant was stated by employer's witnesses to often get very upset and yell and storm off. Whereas employer's witnesses said that claimant was the only one who was raising his voice on the last day, claimant stated that he was the only person who was not raising his voice. Claimant stated that he was terminated through the sending of a text by employer to him on December 20, 2017. Claimant stated that when he walked out of work that he was not quitting, and he did not mean to be quitting when he did not answer employer's question, "Does that mean you quit?" Later in the day, claimant stated that he received a text from employer asking him to have his items moved out of the work trailer he had been living in throughout his employment. Employer read its texts to claimant, from both before and after the separation. None of the texts referenced removing items from the trailer, although employer did state that days after the separation she went to claimant's trailer when he had not shown up for work for days. There they discussed claimant's moving out.

REASONING AND CONCLUSIONS OF LAW:

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 upset that he wasn't getting a Christmas bonus. The administrative law judge believes that claimant's clocking out and walking off work, coupled with his quitting statements and refusal to respond with employer asking if he'd quit did in fact constitute a quit.

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.

DECISION:

The decision of the representative dated January 23, 2017, 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