

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATTHEW L BRUMMETT
Claimant

**GREATER DES MOINES HABITAT FOR
HUMANITY**
Employer

APPEAL 20A-UI-15528-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/05/20
Claimant: Appellant (1)

Iowa Code § 96.5-2-a – Discharge for Misconduct
Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Matthew Brummett (claimant) appealed a representative's November 2, 2020, decision (reference 04) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the Greater Des Moines Habitat for Humanity (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 3, 2021. The claimant participated personally. The employer participated by Jayne Thovson, Human Resources Manager, and Eric Shird, Store Manager. The administrative law judge took official notice of the administrative file.

ISSUE:

The issues include whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from February 5, 2020, through June 10, 2020, as a full-time Restore associate. He signed for receipt of the employer's handbook. The claimant did not agree with the employer's policy limiting use of the bathroom facility to employees only.

On June 10, 2020, the store manager told the claimant that if a customer asked to use the bathroom, the claimant should ask a member of management to respond to the request. The claimant did not agree with the store manager. He loudly expressed his opinion near the register and walked off the job. He returned to collect his items and left again. The claimant did not clock out or indicate he would return.

The claimant sent an email to the Human Resources Manager asking her to call him. He sent a second email discussing his disagreement with the bathroom policy. The claimant left voice messages for the Human Resources Manager. The claimant said he was "going in a different direction to find piece in his day". He also said the bathroom policy needed to be abolished.

On June 11, 2020, the claimant did not appear for his shift at 9:00 a.m. At 1:30 p.m. on June 11, 2020, the employer called the claimant. The claimant indicated he would not be returning to work unless the employer abolished the bathroom policy. Continued work was available with the employer had the claimant not resigned.

The claimant filed for unemployment insurance benefits with an effective date of July 5, 2020. His weekly benefit amount was determined to be \$171.00. The claimant received no state unemployment insurance benefits or Federal Pandemic Unemployment Compensation after July 5, 2020.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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(21) 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:

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

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 intention to voluntarily leave work was evidenced by words and actions. When employees quit work because of dissatisfaction with the work environment, their leaving is without good cause attributable to the employer. The claimant left work because he did not like the employer's work rules. The claimant was not the supervisor and was not the person who defined the rules. The work rules were part of his work environment. His leaving was without good cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

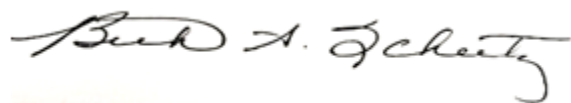
Even though the claimant is not eligible for regular unemployment insurance benefits under state law, he may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act"), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount

(WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed. The claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

DECISION:

The representative's November 2, 2020, decision (reference 04) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times the claimant's weekly benefit amount provided the claimant is otherwise eligible.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.



Beth A. Scheetz
Administrative Law Judge

March 8, 2021
Decision Dated and Mailed

bas/lj