

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

WILLIAM J CONNETT
Claimant

CHRISTIAN PRINTERS INC
Employer

APPEAL NO. 14A-UI-04316-GT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/23/14
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 April 15, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 14, 2014. Claimant participated and was represented by Lane Lucas, Attorney at Law. Employer participated by DuWayne Dalen, Attorney at Law with witnesses Brian Goos, Co-owner; Co-owner Steve Hews, Production Manager; Rick Cox, Pressman; and Pressman Shane Palmer. Exhibit One was admitted into evidence.

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 March 26, 2014. Brian Goos, Co-owner stated that claimant sent him a text on March 26, 2014 that indicated that the claimant would not be coming in for work the next day. The text stated that claimant was tired of Mr. Goos' inability to run the company. The claimant did not show up for work on March 27, 2014 and indicated that it was his intent to resign. The claimant turned in his key, and did not return to work. Mr. Goos, and Co-owner Steve Hews were not aware of any reasons for the claimant's resignation, and they were not aware of any complaints the claimant may have made about work conditions. Continued work was available if the claimant had not quit.

The claimant quit his job because of a hostile work environment. He explained that on March 26, 2014 Co-owner Brian Goos became angry and used profanity at him. He felt threatened and as a result he quit his job. He had not lodged any complaints with his employer prior to March 26, 2014, and he did not give the employer a chance to respond or change the work place environment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence does not show that claimant voluntarily quit for good cause attributable to employer. Claimant terminated the employment relationship because he felt threatened when a co-owner used profanity during work. Isolated use of profanity does not rise to level of an intolerable or detrimental working condition. Claimant's failure to make efforts to report what he felt was employer misconduct detracts from a finding of a quit for good cause. Benefits withheld.

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(21) and (22) 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:

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

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

DECISION:

The decision of the representative dated April 15, 2014, 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.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/css

