

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**GARY M AMBROSE**  
Claimant

**RELLIM COMPANY**  
Employer

**APPEAL 20A-UI-03403-S1-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/08/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Gary Ambrose (claimant) appealed a representative's April 14, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the Rellim Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 14, 2020. The claimant participated personally. The employer participated by Angela Kilchrste, Human Resources Assistant, and Matt Cerone, Human Resources Manager.

The claimant offered and Exhibit A was received into evidence. The administrative law judge took official notice of the administrative file.

**ISSUE:**

The issue includes 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 was hired on March 14, 2018, as a full-time journeyman electrician. He resided in a camper and on March 19, 2019, the campground flooded. The claimant purchased another camper and found a campground in Pacific Junction, Iowa, sixty-miles from work.

The claimant learned the campground might flood again and he could not find another location for his camper. There were no apartments available in the Council Bluffs, Iowa/Omaha, Nebraska area. On September 30, 2019, the claimant told his supervisor that September 30, 2019, would be his last day because of his housing situation. Continued work was available had the claimant not resigned. About a week after he quit work, he accepted a job in Georgia and moved.

The claimant filed for unemployment insurance benefits with an effective date of March 8, 2020. His weekly benefit amount was determined to be \$500.00. The claimant did not receive

unemployment insurance benefits or federal pandemic unemployment compensation after his separation.

The parties were involved in a fact-finding interview on April 3, 2019, and the claimant reiterated the information listed above. A representative's decision was issued on April 14, 2020, (reference 01), that concluded the claimant was not eligible to receive unemployment insurance benefits due to voluntarily quitting from Rellim Company.

At the appeal hearing on May 14, 2020, the claimant testified that he quit work due to intolerable working conditions. The claimant quit work after he weekly complained about paint odors and other working conditions. These conditions existed all the time the claimant worked for the employer. The claimant remembers complaining to his supervisor at team meetings but not to anyone in the human resources department. The claimant also testified that he felt he had neurological issues based on his working conditions but no doctor's note indicating he had to quit work.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work without good cause attributable to the employer

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(2) and (21) 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 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:

(2) The claimant moved to a different locality.

(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 or they are moving to a different location, their leaving is without good cause attributable to the employer. The claimant left work because he did not like the work environment and he decided to move to Georgia. His leaving was without good

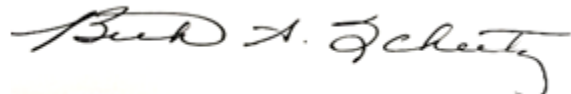
cause attributable to the employer. The claimant voluntarily quit without good cause attributable to the employer. Benefits are denied.

The information the claimant gave to the employer at the time he resigned and the information the claimant gave to the fact-finder was consistent. The testimony he provided at the appeal hearing was inconsistent with the prior information given on those two occasions. The administrative law judge finds the claimant's credibility at hearing is an issue.

*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>.

**DECISION:**

The representative's April 14, 2020, decision (reference 01) 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.



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Beth A. Scheetz  
Administrative Law Judge

May 19, 2020  
Decision Dated and Mailed

bas/mh