

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**RYAN D CARD**  
Claimant

**APPEAL NO. 16A-UI-12064-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BURESH BUILDING SYSTEMS INC**  
Employer

**OC: 10/23/16**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated November 7, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 28, 2016. Claimant participated. Employer participated by Charlie Morris, Gary Buresh, Jeff Wilson and Albert Cantu.

**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 October 22, 2016. Claimant quit on that date because he was frustrated with the lack of work of a coworker. Claimant contacted his employer through text at or around 11:53am to say that he was tired of working with the coworker not doing work and scrapping metal when he should be working. He stated that he was not going to continue working this shift with the other person, and should be shifted to a different shift. Employer told claimant not to walk off his shift or he was done. Employer then arranged to have claimant given a ride home. Before doing this, employer gave claimant a warning for walking off of his shift which claimant refused to sign.

Employer asked claimant to show up at 7am at the office on Monday to discuss the matter. Claimant showed up at 9:30am and refused to discuss the matter, only discussing what the payment would be for tools he's allowed employer to use.

**REASONING AND CONCLUSIONS OF LAW:**

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.

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 wasn't immediately moved to another shift when he grew frustrated with a coworker.

Although claimant attempts to frame the issue as a termination, such framing is misguided. Claimant threatened to walk off. Claimant did walk off the job prior to his shift ending. Claimant did not show up in a timely basis for a meeting with company officials the next Monday, and when he did show up over two hours late, he refused to talk about the incidents that led to him walking off. This was not a termination, but rather a voluntary quit not brought about by his employer.

**DECISION:**

The decision of the representative dated November 7, 2016, 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.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/rvs