

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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**TIM P GRIFFIN**

Claimant

and

**EATON CORPORATION**

Employer

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**HEARING NUMBER: 17BUI-13041**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.5-1, 96.3-7**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

In analyzing whether the Claimant has proven good cause attributable to the Employer for his quit, we have applied the legal standards developed in the case law governing this type of case. In particular, the Claimant has not shown the risk of imminent job loss required under the cases. See e.g. *Brady v. Board of Review*, 704 A. 2d 547 (N.J. Sup. 1997)(setting out two part test and citing cases and explaining benefits are generally only allowed when there are objective facts supporting conclusion that if the resignation had not taken place layoff was imminent); *Childress v. Muzzle*, 663 SE 2d 583 (W. Va. 2008)(adopting *Brady* two part test); *Renda v. Unemployment Comp. Bd. of Review*, 837 A. 2d 685 (Pa. Cmwlth 2003); *Uniroyal Goodrich Tire v. Employment Sec.*, 913 P. 2d 1377 (Okla. App. 1996); *Sievers v.*

*Unemployment Comp. Bd. of Review*, 124 Pa.Cmwlth. 52, 555 A.2d 260, aff'd per curiam, 520 Pa. 83, 551 A.2d 1057 (1987); *York v. Review Bd. of Ind. Employment Sec.*, 425 NE 2d 707 (Ind. App. 1981); *Kentucky Unemploy. Ins. Com'n v. Kroehler Mfg. Co.*, 352 SW 2d 212 (Ky App. 1961); *Read v. Employment Sec. Dep't*, 62 Wash.App. 227, 813 P.2d 1262 (1991); *Robinson v. Department of Employment Sec.*, 827 P. 2d 250 (Utah App. 1992).

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

RRA/fnv