

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

MIKE J MEAD
Claimant

APPEAL NO. 07A-UI-07079-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

G & K SERVICES COMPANY
Employer

OC: 06/24/07 R: 01
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed an appeal from a decision of a representative dated July 12, 2007, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 21, 2007. The claimant participated. The employer participated by Jerry Robinson.

ISSUE:

At issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant worked for this employer from January 4, 2006, until June 25, 2007, when he voluntarily quit employment. Mr. Mead held the position of route sales representative, being paid by commission. Mr. Mead left his employment on June 25, 2007, after the truck that he was assigned to was disabled for an extended period of time due to an engine malfunction. During the course of his employment, the truck that Mr. Mead was assigned to had repetitive mechanical and safety problems. Mr. Mead brought his dissatisfactions, with respect to the equipment that he was assigned, to the attention of the employer on numerous occasions. Although the claimant had been repeatedly promised that he would be assigned to a more reliable route truck, he continued to be assigned to the truck with safety/reliability issues. Time spent away from his route attempting to secure repairs on the truck assigned to the claimant caused the claimant lost revenues. Due to the repetitive nature of the unreliability and safety issues involved in the operation of the truck assigned to him by the company, Mr. Mead quit his employment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes, based upon the totality of the evidence in this case, that the claimant has sustained his burden of proof in establishing good cause for quitting his employment for reasons that were attributable to the employer. The hearing record establishes that Mr. Mead had repetitive mechanical and/or safety problems with the truck that he had been

assigned to by G & K Services Company. The claimant followed a reasonable course of action by repeatedly informing the employer of the mechanical and safety issues and had been repeatedly promised that he would be assigned a new truck. When a new vehicle was not assigned to Mr. Mead and he continued to have repeated difficulties in performing his duties due to the unreliability of the vehicle assigned to him, he left his employment.

Iowa Code section 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.

For the reasons stated herein, the administrative law judge finds that the claimant left employment for reasons that were attributable to the employer under non-disqualifying conditions. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's decision dated July 12, 2007, reference 01, is hereby affirmed. The claimant voluntarily quit for reasons attributable to the employer. Benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw