

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MIKE A ADKINS
Claimant

PANAMA TRANSFER INC
Employer

APPEAL 15A-UI-01219-JCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/04/15
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 22, 2015 (reference 01) unemployment insurance decision that denied benefits based upon the claimant's separation. The parties were properly notified about the hearing. A telephone hearing was held on February 24, 2015. The claimant participated. Although properly notified, the employer did not participate. Claimant's Exhibit One was admitted.

ISSUE:

Did the claimant voluntarily quit with good cause attributable to his employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full time as a delivery truck driver and was separated from employment on December 23, 2014 when he voluntarily quit. Continuing work was available.

On December 10, 2014 the claimant realized he had been issued a \$50 payroll deduction from his paycheck for his failure to clean out his truck. The claimant was responsible for removing all trash and debris from his truck at the end of each shift, as other drivers would utilize the same vehicle. Given the claimant's tenure with the company, he didn't think the employer would carry out the deduction. The claimant confronted his manager about the deduction and issued his verbal resignation, not thinking it would result in his separation. The employer accepted his resignation and separation occurred.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer. 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(28) and (37) 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:

(28) The claimant left after being reprimanded.

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). 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). In this case, the claimant was fined \$50 through a payroll deduction for not cleaning out the truck he used, and leaving debris in it. The claimant didn't think it was fair given his tenure with the company. The claimant offered his resignation and it was accepted. While the claimant's leaving the employment may have been based upon good personal reasons, the claimant's decision to quit because he did not agree with the trash removal deduction was not for a good cause reason attributable to the employer. Benefits are denied.

DECISION:

The January 22, 2015 (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Jennifer L. Coe
Administrative Law Judge

Decision Dated and Mailed

jlc/can