

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

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**SUSAN K SHEPHERD**  
Claimant

**APPEAL 22A-UI-15238-DS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**B6 TRANSPORT INC**  
Employer

**OC: 06/19/22  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.26(19) – Voluntary Quit

**STATEMENT OF THE CASE:**

On July 15, 2022, the claimant filed an appeal from the unemployment insurance decision dated July 8, 2022, (Reference 01) that denied benefits based upon a finding that the claimant quit the employment without good cause attributable to the employer. Notice of hearing was mailed to the parties' last known addresses of record for a telephone hearing to be held at 9:00 a.m. on August 25, 2022. The claimant participated personally. The employer participated through John Blake, Owner. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Did claimant voluntarily quit the employment without good cause attributable to employer?

**FINDINGS OF FACT:**

The administrative law judge finds that:

The claimant worked for this employer from May 1, 2017, until June 16, 2022, when she quit the employment. The claimant was a full-time Bookkeeper, reporting to owner John Blake. The employer is a trucking operation that works with independent contractors and other trucking companies. In March 2022, a disagreement developed between the claimant and Blake regarding payments that the employer's company owed another trucking firm. The employer and claimant blamed each other for the delinquent payments and disagreed on the amount due and the reasons for the delay. At some point in the ensuing argument, the employer told the claimant she was replaceable, and the claimant gave notice of her intent to quit the employment.

In the weeks that followed the March 2022 argument, the employer's financial accounts were breached by an unknown party. The employer believes that the breach occurred because of the claimant's misuse of the employer's computers and accounts. The claimant elected to continue her employment at that time in order to assist in the recovery of the hacked accounts. She indicated to Blake that she intended to stay permanently.

On June 16, 2022, the claimant advised Blake that she planned to take the next day off work. The employer did not require the claimant to use any sort of leave for days off but considered her

leave subject to his approval because she was a salaried employee. Later in the day, Blake discovered that a dispatcher for the company was distributing thousands of dollars in fuel advances to independent contractor truckers for anticipated fuel costs for future trips. The dispatcher advised Blake that she was instructed to do so by the claimant because the claimant would be gone the rest of the week and would not be able to authorize the distributions. While transferring funds to truckers for fuel was a customary part of the claimant's job, the employer did not intend for the claimant to do so days in advance of anticipated needs. Blake confronted the claimant about the situation, and another verbal argument developed. The claimant and Blake went outside the office and argued with raised voices. Eventually, the claimant advised Blake that she was quitting the employment immediately. She gathered her belongings and left the employer's premises.

Continuing work was available had the claimant not quit the employment, and her job was not in jeopardy.

### **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. Benefits are denied.

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(4) provides:

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:

- (4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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 felt that the employer's tone was abusive and she characterized his speech as "screaming." It is evident that both parties interact with each other with raised voices and

aggressive tones. This administrative law judge is not persuaded that the employer interacted with the claimant in any abusive manner constituting a good cause for quitting the employment. Rather, the claimant had intended to quit the employment for some time and decided not to continue in light of the argument on June 16, 2022. The parties did not work cooperatively with one another, and this incident was the culmination of months of disagreement. However, disagreement with one's employer or a lack of cooperative collaboration in the work environment does not rise to the level of a good cause attributable to the employer in the context of eligibility for unemployment insurance benefits. The claimant quit the employment in lieu of resolving the disagreements with her employer.

The claimant has not met her burden in demonstrating a good cause attributable to the employer for the quit. Benefits are denied.

**DECISION:**

The July 8, 2022, (Reference 01) unemployment insurance decision denying benefits is **AFFIRMED**. The claimant voluntarily left the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



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David J. Steen  
Administrative Law Judge  
Iowa Department of Inspections & Appeals  
Administrative Hearings Division - UI Appeals Bureau

September 30, 2022  
Decision Dated and Mailed

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**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
4th Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
En línea: [eab.iowa.gov](http://eab.iowa.gov)**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.