

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**KHAMLEU LOUVAN**  
Claimant

**EXPRESS SERVICES INC**  
Employer

**APPEAL NO. 15A-UI-04617-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/30/14  
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated April 7, 2015, reference 04, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 26, 2015. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate. Interpretative services were provided for the court's benefit by Steve Baccam.

**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 was hired to work for claimant on March 9, 2015. Claimant last worked for employer on March 10, 2015.

Claimant called up employer on March 10, 2015 and stated that he could no longer work at his placement. Claimant stated that the work was inherently dangerous. Claimant did not state his complaints to his employer or to the company with which he had been placed. Claimant never called employer up again to ask for another placement.

**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.

Iowa Admin. Code r. 871-24.25(21) 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:

(21) The claimant left because of dissatisfaction with the work environment.

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

Claimant quit his placement from employer as he felt the work to be dangerous. Claimant never went to his employer or to his placement company to ask if he could receive training to operate the machine he was asked to operate. Claimant never went to employer to ask if he could be placed in another, more suitable job. Claimant gave no reason to employer for ending his employment.

**DECISION:**

The decision of the representative dated April 7, 2015, reference 04, 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/pjs