

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**STEPHEN E RUNGE**  
Claimant

**JOSEPH T RYERSON & SON INC**  
Employer

**APPEAL 21A-UI-00606-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/26/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Stephen E Runge, the claimant/appellant, filed an appeal from the November 17, 2020, (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on February 10, 2021. Mr. Runge participated and testified. The employer participated through James Perron, manager, Beth Scherer, human resources and Kathleen Travers, hearing representative.

**ISSUE:**

Did Mr. Runge voluntary quit without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Runge began working for the employer on January 15, 2019. He worked at a full-time shift lead on second shift. His last day of work was on September 1, 2020. He was separated from employment on September 2, 2020.

In March 2020, the United States declared a public health emergency because of the COVID 19 pandemic. Due to the pandemic, the employer furloughed some employees and reduced hours for all employees at the plant. This resulted in more work during shifts and less hours for many employees. The employer participated in the Voluntary Shared Work Program (VSW) so that employees received some compensation for their reduced hours.

Mr. Runge became dissatisfied with several things about the job in April/May 2020. He was dissatisfied with the work that employees did on the first shift. Mr. Runge did not like that first shift left so much work for his shift to do. He was also dissatisfied because he did not have enough help, his hours were reduced, and morale was down. Mr. Runge also did not like that he was working on machines for which he was not trained. He believed that the job became dangerous for him because he had to work on machines for which he was not trained.

Mr. Runge spoke with the first shift supervisor about the issue of that shift's productivity. Mr. Runge also spoke with Mr. Perron, his manager, multiple times about almost all of these issues. Mr. Runge did not talk with Mr. Perron or anyone else about the issue of him working on machines for which he was not qualified.

Mr. Perron told Mr. Runge that his expectations about first shift's work were too high. Mr. Perron also told Mr. Runge that he would, and he did, talk with the first shift supervisor. Mr. Runge remained unsatisfied because, in his view, the employer had done enough. Mr. Runge testified that the employer tried to make things better but things did not get better.

On August 26, 2020, Mr. Runge told Mr. Perron that he intended to quit on September 4, 2020. In an effort to retain Mr. Runge, Mr. Perron suggested that he could take a leave of absence or Family Medical Leave Act (FMLA) leave. Mr. Perron also tried to reassure Mr. Runge that although things were not ideal they would get better.

On September 2, 2020, Mr. Runge sent Mr. Perron a text message saying he would not be back at work and that he would turn in his key. Because Mr. Runge worked second shift, Mr. Perron texted Mr. Runge back to ask him to clarify whether or not he would come to work for his next scheduled shift. Mr. Runge called Mr. Perron and told him that he was quitting and not coming back for his next scheduled shift. Mr. Runge told Mr. Perron that his quitting was not about Mr. Perron. Mr. Runge turned in his work clothes and keys on September 2, 2020

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes Mr. Runge's separation from the employment was without good cause attributable to the employer.

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.

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.

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).

In this case, Mr. Runge was dissatisfied about several aspects of his job. Mr. Runge raised some, but not all, of the issues with his manager, Mr. Perron. Mr. Perron attempted to address Mr. Runge's concerns but Mr. Runge remained dissatisfied. The employer made efforts to retain Mr. Runge. The employer participated in VSW. The employer suggested Mr. Runge take a leave of absence or FMLA leave. Mr. Perron spoke with the first shift supervisor. Mr. Perron tried to help Mr. Runge understand that his expectations about first shift's work. Despite the employer's efforts, Mr. Runge remained dissatisfied so he quit. While his leaving may have been based upon good reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The November 17, 2020, (reference 02) unemployment insurance decision is affirmed. Mr. Runge voluntarily left his 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.



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February 26, 2021  
Decision Dated and Mailed

dz/lj