

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMES C MERRILL**  
Claimant

**APPEAL NO: 12O-UI-04892-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ON THE WATERFRONT SEAFOOD**  
Employer

**OC: 10/30/11**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 9, 2011 determination (reference 03) that disqualified him from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. A hearing was held on January 18, 2012. The claimant participated at this hearing, but the employer did not. Based on the evidence presented during that hearing, an administrative law judge decided the claimant was qualified to receive benefits. The employer appealed this decision to the Employment Appeal Board because the employer had not received the hearing notice and did not know about the scheduled hearing. The Employment Appeal Board remanded this matter to the Appeals Section for a new hearing.

Another hearing was scheduled on May 30, 2012. The claimant did not respond to the hearing or participate in the hearing. Jennifer House, the owner, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in October 2009 as a full time cook. The claimant wrote a letter to the employer on September 14, 2010, and reported he felt harassed by some employees. The employer investigated and had a meeting with the claimant and the employees he reported were harassing him. One of the employees was a personal friend of the claimant and had not realized the claimant felt harassed. Shortly after the fall 2010 meeting, the employer asked the claimant if his issues had been resolved. The claimant reported that the meeting had taken care of the problem. Since the claimant did not report any more problems of a similar nature, the employer believed the claimant no longer felt harassed.

The claimant was working January 14, 2011. The claimant was very busy doing his work. The claimant told his fellow cooks he needed a break and went outside. The claimant did not return

to work. The claimant's girlfriend, who also worked for the employer, verified that the claimant quit on January 14, 2011. Later when the claimant asked the employer to rehire him, he explained that he could not handle all the work on January 14, 2011. It had been too busy for him and he had to leave.

The claimant established a claim for benefits during the week of October 30, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2). The claimant quit on January 14, 2011, when he walked out during his shift and did not return to work.

The law presumes a claimant quits without good cause when he leaves because he does not like the work environment. 871 IAC 24.25(21). The claimant may have had compelling reasons for quitting on January 14, 2011. The evidence does not establish that he quit for reasons that qualify him to receive benefits. As of October 30, 2011, the claimant is not qualified to receive benefits.

**DECISION:**

The representative's December 9, 2011 determination (reference 03) is affirmed. The claimant voluntarily quit his employment on January 14, 2011, for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 30, 2011. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs