

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**GREGORY BOOR**  
Claimant

**APPEAL 17A-UI-06312-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SIGNATURE FLIGHT SUPPORT CORP**  
Employer

**OC: 05/14/17**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 13, 2017, (reference 01) unemployment insurance decision that denied benefits based upon a voluntarily resignation. The parties were properly notified about the hearing. A telephone hearing was held on July 10, 2017. Claimant participated. Employer participated through station manager Sean Kuhl. Employer's Exhibit 1 was received.

**ISSUE:**

Did claimant voluntarily leave the employment with good cause attributable to the employer or did employer discharge the claimant for reasons related to job misconduct sufficient to warrant a denial of benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in approximately October 2015. Claimant last worked as a full-time customer service representative. Claimant was separated from employment on May 11, 2017, when he resigned.

Employer has a drug and alcohol policy. The policy prohibits working under the influence of drugs or alcohol. The policy notifies employees they may be asked to submit to a drug or alcohol test if the employer reasonably suspects, based on objective factors, that the employee is under the influence of drugs or alcohol. The policy states that employer will immediately terminate an employee who refuses to take a drug or alcohol test pursuant to the terms of the policy. Claimant was aware of the policy.

On May 11, 2017, claimant was working. Something had fallen on the floor and he stated, "I hate this fucking place!" Claimant smelled like alcohol and his speech was slurred. After observing this, station manager Sean Kuhl contacted employer's human resource department. Kuhl and supervisor Eric Rice met with claimant and asked him to take a drug and alcohol test

based on their suspicion he was under the influence of drugs or alcohol. Claimant tendered his resignation immediately.

**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, 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.

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).

In this case, claimant resigned his employment rather than taking a drug or alcohol test pursuant to employer's policy and based on employer's reasonable suspicion he was intoxicated.

Claimant failed to establish he resigned for a good cause reason attributable to employer.

**DECISION:**

The June 13, 2017, (reference 01) unemployment insurance decision is affirmed. 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.

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Decision Dated and Mailed

cal/rvs