

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SETH KUGLEY

Claimant

APPEAL NO. 11A-UI-00040-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FREEMAN CONSTRUCTION INC

Employer

OC: 11/07/10

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated December 22, 2010, reference 01, which held claimant not eligible to receive unemployment insurance benefits. After due notice, a telephone hearing was held on February 7, 2011. Claimant participated personally. Although duly notified, the employer did not participate.

ISSUE:

The issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Seth Kugley was employed by Freeman Construction, Inc. as a full-time general laborer for approximately 2 ½ years before he voluntarily quit on July 1, 2010.

Mr. Kugley quit his employment with Freeman Construction, Inc. on July 1, 2010 after engaging with his employer in a dispute over the manner in which work was to be performed. Mr. Kugley was concerned that dirt he was loading into company trucks was not debris-free as required for the job project. When the company owner arrived and instructed Mr. Kugley to continue to load the dirt, Mr. Kugley did not agree with the company owner's decision. The claimant was informed by the company owner to, in effect, comply or leave. Mr. Kugley chose to leave employment.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that Mr. Kugley left his employment with good cause attributable to the employer. It does not.

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.

In this matter Mr. Kugley elected to leave employment based upon a dispute between himself and the company owner about the quality of dirt being loaded into company trucks for a municipal project. The claimant expressed his concerns about the quality of dirt but was instructed by the company owner to continue to load the dirt. When Mr. Kugley continued to disagree, he was given the option of following the work directive or leaving employment. Mr. Kugley elected to leave his job.

While Mr. Kugley's reasons for leaving may have been good cause reasons from a personal viewpoint, they were not good cause reasons attributable to the employer. The claimant had been given a work-related directive and chose to leave employment rather than follow it. Benefits are withheld.

DECISION:

The representative's decision dated December 22, 2010, reference 01, is affirmed. Claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs