

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RONNIE L MINOR
Claimant

MASTERSON PERSONNEL INC
Employer

APPEAL NO. 25A-UI-02441-JT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/16/25
Claimant: Appellant (2)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On March 26, 2025, Ronnie Minor (claimant) filed a timely appeal from the March 24, 2025 (reference 01) decision that disqualified the claimant for unemployment insurance benefits and that held the employer's account would not be charged for benefits, based on the IWD deputy's conclusion the claimant voluntarily quit on August 8, 2024 without good cause attributable to the employer. Mr. Minor requested an in-person hearing. After due notice was issued, an in-person hearing was held on April 23, 2025 at the Waterloo IowaWORKS Center. Mr. Minor participated in-person. Jim Robertson represented the employer and appeared by telephone. Exhibit A was received into evidence.

Prior to the appeal hearing, the administrative law judge entered an order granting Mr. Robertson's request to appear by telephone in light of Mr. Minor being located in the Twin Cities area of Minnesota. The order indicated that the employer should make appropriate Waterloo area staff available in-person for the in-person hearing. At the time of the hearing, Mr. Robertson told the administrative law judge that he had arranged for two members of the Waterloo staff to appear in-person for the hearing but that both individuals had backed out at the last minute, citing alleged safety concerns. The two Waterloo staff members were Gisela Baltazar and Erin Geary. Mr. Robertson told the administrative law judge that the employer's staff had no safety concern specific to Mr. Minor but were concerned generally about participating in an in-person unemployment insurance appeal hearing. The employer's Waterloo office is located within a couple blocks of the hearing site. There was no reasonable basis or good cause reason for the employer's Waterloo staff's refusal to participate in-person in the in-person hearing. There was nothing about Mr. Minor's appearance, demeanor, conduct, or prior relationship with the employer to suggest that Mr. Minor presented a threat to anyone.

ISSUE:

Whether the claimant voluntarily 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:

Masterson Personnel, Inc. is a Minnesota-based temporary employment agency. Masterson has a branch office in Waterloo.

Ronnie Minor (claimant) commenced his employment with Masterson in December 2023. Mr. Minor worked in two work assignments through the employer. Mr. Minor has at all relevant times resided in Waterloo. Mr. Minor has at all relevant times had a reliable personal vehicle available to get him to and from work and has at all relevant times been willing to commute for work.

Mr. Minor initially worked as a full-time forklift operator in an assignment at Ryder in Waterloo until a John Deere layoff brought that assignment to an end.

In the spring of 2024, Mr. Minor commenced a new full-time, forklift operator work assignment at a Ryder facility in Cedar Rapids. Mr. Minor commuted from Waterloo to Cedar Rapids for the assignment. Mr. Minor last performed work in the assignment on August 8, 2024. During the initial six-week training period, Mr. Minor witnessed the trainer, Berlin [last name unknown], engage in racist harassment and discrimination directed at an African American coworker. Mr. Minor is African American. Berlin is Caucasian. Mr. Minor witnessed the trainer repeatedly make monkey sounds intended as a derogatory, racist commentary about the African American coworker. Mr. Minor was concerned about retaliation if he spoke up at the workplace. Mr. Minor reported the conduct to Masterson Personnel but not to Ryder management.

After Mr. Minor completed his assignment training, he commenced working the second shift at the Cedar Rapids Ryder facility. Some of Mr. Minor's coworkers warned him that the second shift supervisors were more racist than those on the first shift. During the two weeks that Mr. Minor remained on the second shift, he observed and experienced disparate treatment of himself and other African American workers. The white supervisor seemed to take every opportunity to issue written reprimands for mistakes Mr. Minor made. During Mr. Minor's two weeks on the second shift, the supervisor issued three reprimands to Mr. Minor for stacking errors, when Mr. Masterson had just been stacking materials according to how he observed others doing the same work. Mr. Minor requested to return to the first shift and returned to the first shift. Mr. Minor continued on the first shift until August 8, 2025, when he left the assignment.

On August 8, 2024, Mr. Minor experienced a mishap that he had noticed others forklift operators experience at the Cedar Rapids Ryder facility. When Mr. Minor moved stacked materials, the stacked materials located behind the stack he moved spilled onto the facility floor. Mr. Minor had observed that when this happened to other, Caucasian, forklift operators, coworkers would quickly assist with cleaning up the spilled material pursuant to the established protocol. However, when Mr. Minor was confronted with such a spill on August 8, no one stepped in to assist. Instead, other, Caucasian, forklift operators continued to pass by without assisting. One forklift operator said he would get assistance but then never returned. Mr. Minor waited for 15 to 20 minutes for assistance, but none arrived. Mr. Minor concluded that the lack of assistance was attributable to his race and decided to leave the assignment midway through the shift.

When Mr. Minor left the Cedar Rapids Ryder Assignment, he promptly went to the Masterson office and spoke to a Masterson representative about his experience in the assignment and his decision not to return to the assignment. Mr. Minor had not experienced anything similar when he had worked for Ryder at the Waterloo facility. On August 8, 2024, Mr. Minor requested a new assignment, but the Masterson representative told Mr. Minor there were no other assignments available at the time. Thus, Mr. Minor left the Masterson employment on August 8, 2024. Mr.

Minor was so disturbed by what he experienced at the Cedar Rapids Ryder facility that he looked into pursuing an E.E.O.C. complaint regarding that workplace.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.18.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See Iowa Admin. Code r. 87124.19(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d 1 (Iowa 2005).

The evidence in the record establishes an August 8, 2024 voluntary quit attributable to the employment. Mr. Minor quit in response to intolerable and detrimental working conditions at the Cedar Rapids Ryder facility and Masterson Personnel's lack of an alternative assignment. Mr. Minor quit in response to repeated experiences of racially disparate treatment while in the Cedar Rapids Ryder work assignment. The employer presented insufficient evidence, and insufficiently direct and satisfactory evidence to rebut Mr. Minor testimony. The sole employer witness who appeared for the hearing lacked personal knowledge of the claimant's employment and separation from the employment. The employer's staff with personal knowledge elected not to participate in the hearing without a reasonable basis for avoiding the hearing. The administrative law judge found the claimant's testimony candid, without hyperbole, and credible. The claimant is eligible for benefits, provided the claimant is otherwise eligible. The employer's account may be charged for benefits.

DECISION:

The March 24, 2025 (reference 01) decision is REVERSED. The claimant voluntarily quit the assignment and the employment on August 8, 2024 with good cause attributable to the employer. The claimant is eligible for benefits, provided the claimant is otherwise eligible. The employer's account may be charged for benefits.

A handwritten signature in black ink that reads "James E. Timberland". The signature is written in a cursive, flowing style.

James E. Timberland
Administrative Law Judge

May 1, 2025
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.