

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSH L HAMANN
Claimant

IDA COUNTY
Employer

APPEAL 15A-UI-11487-JP-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/20/15
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 8, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 29, 2015. Claimant participated. Employer participated through county engineer, Patrick Mouw.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as an operator from June 1, 2014, and was separated from employment on September 15, 2015, when he quit.

During claimant's employment with the employer, he felt targeted by the union stewards. Claimant felt the union tried to "throw him under the bus," which made it difficult to go into work. On one occasion, claimant was allowed to apply for a position by the employer after the date to apply had expired. Claimant was given the position by the employer, but the union fought the employer over the appointment and claimant was taken out of the position. Claimant felt targeted by co-workers and complained to Mr. Mouw about the work conditions on multiple occasions. On another occasion, claimant was involved in an accident while working. At the time, the employer did not have any reporting requirements, yet the union stewards reported the incident to Mr. Mouw. Claimant did not believe that his complaints were being addressed by the employer. Mr. Mouw testified that he could see claimant's point in that the union stewards made it difficult for claimant. Mr. Mouw did defend claimant when a grievance was filed regarding claimant.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed.

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.

Iowa Admin. Code r. 871-24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). Claimant presented credible evidence that his co-workers created an intolerable working environment. Claimant testified that it was hard to go to work when co-workers looked to throw you under the bus. Claimant informed the county engineer on multiple occasions that he felt he was being targeted and harassed. Two specific instances were cited, one was an accident claimant was involved in that was reported by the two union stewards even though there were no reporting requirements at that time. In the other incident, the union filed a grievance regarding claimant being given a new position. The employer knew the time to apply for the position had lapsed, yet allowed claimant to apply for the new position. The employer then gave claimant the new position, and although Mr. Mouw did defend giving claimant the position during the grievance process, the employer still removed claimant from those job duties. It is instructive that Mr. Mouw testified he can see claimant's point that the union stewards made things difficult for claimant. Claimant has satisfied his burden, the work environment was made intolerable by his co-workers and was not adequately addressed by the employer; thus, claimant has established a good cause reason for leaving the employment. Benefits are allowed.

DECISION:

The October 8, 2015, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible. Any benefits claimed and withheld on this basis shall be paid.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/pjs