

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT J FRICK
Claimant

APPEAL NO. 07A-UI-10446-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICAN ORDNANCE LLC
Employer

**OC: 02-04-07 R: 04
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 9, 2007, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on November 29, 2007. The claimant did participate. The employer did participate through (representative) Chuck Griffin, Human Resources Manager, Amy Shepherd, Benefits Administrator and Roger Cooper, Productions Superintendent. Employer's Exhibit One was received.

ISSUE:

Did the claimant voluntarily quit his job without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a melt operator full time beginning September 6, 2005 through August 9, 2007 when he voluntarily quit.

The claimant quit because he was dissatisfied with the hot work environment. The claimant knew when he was hired that working in the plant would require a hot working environment. The claimant was not subjected to any different heat stressors than his coworkers. While a hot environment can be uncomfortable, the employer provided cooling vests, water and access to the outdoors to allow employees to cool off. A work environment that is hot is not necessarily unsafe or intolerable. The claimant's allegations of safety violations are unsubstantiated. The employer established that they comply with safety requirements including testing of employees.

The claimant provided no expert medical testimony or evidence to support his allegation that the work environment had a negative impact on his health.

Since quitting American Ordnance the claimant has worked for another employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code section 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.

871 IAC 24.25(21) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(21) The claimant left because of dissatisfaction with the work environment.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2).

The administrative law judge has no doubt that the work environment was hot and probably stifling when combined with the heat of an Iowa summer. However, a hot work environment alone is not in and of itself intolerable or unsafe. The employer provided cooling aids, including cooling vests and water for the claimant and his coworkers. The environment did not change from the time the claimant began until he quit. The claimant has not provided any persuasive medical evidence to establish that the hot work environment aggravated any medical condition. The claimant was simply dissatisfied with working in a hot environment. He has not established an unsafe or intolerable work environment attributable to the employer. His decision to quit due to the heat may have been a good personal reason but is not a good cause reason attributable to the employer for leaving the employment. Benefits are denied.

DECISION:

The November 9, 2007, reference 02, decision is affirmed. The claimant voluntarily left his 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.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs