

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFFERY S ROSS

Claimant

APPEAL 15A-UI-08895-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

QUAD CITY SERVICES CORPORATION

Employer

OC: 07/19/15

Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 6, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on August 28, 2015. Claimant participated personally and through witness Erin Ross. Employer did not participate.

ISSUE:

Did claimant voluntarily leave the employment with good cause attributable to employer or did employer discharge 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 was employed full-time as an operator from May 2015, and was separated from employment on July 13, 2015, when he voluntarily quit.

On approximately July 8, 2015, one of claimant's supervisors sent him lewd pictures of herself.

On approximately July 13, 2015, one of claimant's co-workers made a comment to him that caused him to become angry. Claimant reported the comment to his supervisor and then left early for the day. The next day, claimant did not feel the supervisor properly rectified the situation, so he left his employment.

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:

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.

The claimant's decision to quit because he did not agree with the supervisor about the way she handled a comment made on July 13, 2015, was not for a good cause reason attributable to the employer.

Claimant claims the actual reason that he left employment was because of *quid pro quo* sexual harassment. However, his testimony is not credible. During the fact-finding interview, claimant did not mention the sexual harassment. Given the severe nature of the alleged harassment, it is not believable that claimant would not have even mentioned the harassment during the fact-finding interview if it was the true reason he left his employment. I similarly find the testimony of claimant's witness not credible. The witness is claimant's sister and she provided testimony that is much different than the information provided by claimant during the fact-finding interview.

DECISION:

The August 6, 2015, (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.

Christine A. Louis
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Decision Dated and Mailed

cal/pjs