

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BELINDA S DUELING**  
Claimant

**APPEAL NO: 19A-UI-01010-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EAST PENN MANUFACTURING CO INC**  
Employer

**OC: 01/13/19**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 30, 2019, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on February 19, 2019. The claimant participated in the hearing with witness/battery hook-up employee Sally Gates. Dan Heydt, Plant Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time finish floater for East Penn Manufacturing from May 30, 2017 to January 11, 2019. She voluntarily left her employment after an argument with a co-worker.

On January 11, 2019, the claimant was working on the line next to co-worker Scott Matlock. The claimant had a long-running conflict with Mr. Matlock as did several other employees. The claimant wanted the fan on January 11, 2019, and Mr. Matlock did not and he unplugged the fan which upset the claimant. When Mr. Matlock left the line, the claimant plugged the fan back in and turned it on and when he returned he objected and unplugged it again. This scenario continued until the claimant called Mr. Matlock a “fucking prick” and notified her lead that she was quitting because she assumed her employment would be terminated due to her language. She gathered her belongings and left.

The claimant complained to Plant Manager Dan Heydt about her co-workers in November 2018 and upon investigation of the situation, the employer issued the claimant a Group I written warning and three day suspension for her actions. That was the claimant’s second Group I written warning in 12 months which resulted in the three day suspension.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 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 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. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). 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 claimant had a conflict with Mr. Matlock but had complained about several of her co-workers in the past. The claimant had an issue with her lead as well and did not go to her about the situation with the fan or to Plant Manager Dan Heydt before becoming frustrated with Mr. Matlock and calling him a "fucking prick" and quitting her job. While Mr. Matlock was annoying and the employer could have taken steps to separate the claimant from him on the line, the claimant voluntarily quit her job because she assumed her employment was going to be terminated. Under these circumstances, the administrative law judge must conclude the claimant has not met her burden of proving that her work environment was unlawful, intolerable, or detrimental, as those terms are defined by Iowa law. Therefore, benefits must be denied.

**DECISION:**

The January 30, 2019, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn