

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COURTNEY L COOPER

Claimant

APPEAL NO. 14A-UI-13010-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EQUIPMENT BROKERS INC

Employer

OC: 11/23/14

Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Courtney Cooper filed a timely appeal from the December 12, 2014, reference 01, decision that disqualified him for benefits. After due notice was issued, a hearing was held on January 14, 2015. Mr. Cooper participated and presented additional testimony through Jake Myers. The employer did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate.

ISSUE:

Whether Mr. Cooper's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Courtney Cooper was employed by Equipment Brokers, Inc., as a full-time assembly worker from April 2014 until October 27, 2014, when he voluntarily quit, rather than acquiesce in the employer's request that he submit to drug testing. Mr. Cooper knew the employer had a drug testing policy. The human resources representative who asked Mr. Cooper to submit to the drug test did so based on a complaint received from another employee. Mr. Cooper believed that the complaint that prompted the drug testing request was prompted by his complaint against another employee a week earlier.

REASONING AND CONCLUSIONS OF LAW:

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.

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 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(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 (Iowa 2005).

Whatever issues Mr. Cooper had with the coworker he had complained about a week before his quit, the employer's request that he submit to drug testing on the final day of the employment did not rise to the level of harassment. Nor did it create intolerable or detrimental working conditions that would have prompted a reasonable person to leave the employment. A more reasonable approach on the part of Mr. Cooper would have been to submit to the drug test and then pursue his concern about whether the complaint that prompted the drug test was legitimate. There was no need for Mr. Cooper to quit the employment under the circumstances.

Mr. Cooper voluntarily quit the employment without good cause attributable to the employer. accordingly, Mr. Cooper is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged for benefits.

DECISION:

The December 12, 2014, reference 01, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs