

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DUSTIN P MCCUTCHEON**  
Claimant

**APPEAL NO: 13A-UI-07438-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FISHER GOLD STAR/DIVISION/HAMPTON**  
Employer

**OC: 05/19/13**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(21) – Dissatisfaction of the Work Environment

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated June 6, 2013, reference 01, that held he voluntarily quit employment without good cause on May 20, 2013, and benefits are denied. A telephone hearing was held on July 29, 2013. The claimant did not participate. Diane Harrison, HR Manager, participated for the employer.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record finds: The claimant was hired on August 30, 2010 and last worked for the employer as a full-time machinist on May 20, 2013. Without advance notice claimant resigned his job and left work on May 20 when continuing employment was available to him.

Claimant was not available at the phone number he provided when called for the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

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 administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer on May 20, 2013 due to resignation.

The claimant quit without notice and explanation when he announced his resignation on May 20. Continuing employment was available when he walked-out.

**DECISION:**

The department decision dated June 6, 2013, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on May 20, 2013. Benefits are denied until the claimant has worked in and is paid wages for insured work, equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

rls/pjs