

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JACOB M FISCHER
Claimant

APPEAL NO. 20A-UI-03009-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ARAMARK CORPORATION
Employer

OC: 03/08/20
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Federal Law PL 116-136 Sec. 2104 – Recovery of Overpayment of Federal Benefit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 30, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 6, 2020. Claimant participated.

ISSUES:

Whether claimant quit for good cause attributable to employer?

Whether claimant has been overpaid federal or state unemployment benefits?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on or around January 10, 2020. Claimant voluntarily quit on that date as he was bothered that employer would not address ongoing sanitary issues that claimant raised, and claimant was not given full time hours, even though he was hired for full time work.

Claimant worked mainly as a dishwasher for employer. Claimant was hired for full-time hours, but often in the months preceding his quit, he'd be released from his shift hours before his shift was to end. Claimant asked to be able to work his hours, but was told that there wasn't work to keep him on for the hours.

Claimant would also complain about unsanitary conditions back in the kitchen. He complained that others were doing prep work in the immediate vicinity of the dishwashing area and that people would often reuse dirty serving utensils. Claimant took this complaint to management, and management told claimant not to worry about it. Eventually claimant got fed up with these practices and quit.

Claimant has received state benefits in this matter of \$2,682.00. To date, claimant has not received federal benefits in this matter.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

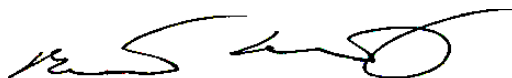
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because his owner repeatedly refused to enforce sanitary standards used by coworkers and employer repeatedly sent claimant home from work although he was supposed to be a full time employee.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* Good cause is seen here as claimant was repeatedly ignored in his requests to not have employees use dirty utensils to serve food. If claimant hadn't quit, he might have been held responsible for negative consequences of coworkers using dirty serving utensils.

DECISION:

The decision of the representative dated March 30, 2020, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

May 7, 2020
Decision Dated and Mailed

bab/scn