

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

GLENN T FLURY
Claimant

AUTOMOTIVE ENTERPRISES COMPANY
Employer

APPEAL NO. 21A-UI-16706-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/09/21
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 19, 2021, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 21, 2021. Claimant participated. Employer participated by Russ Whalen. Employer's Exhibit 1 was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

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 May 5, 2021. Claimant voluntarily quit on that date after he was confronted by the employer about his ongoing tardiness issues.

Claimant worked as a production supervisor for employer. Claimant was involved in a workplace injury years earlier and believed that this injury was a contributing factor to the separation. Employer stated that claimant was a valued employee for years after the accident.

Employer stated that claimant was repeatedly tardy for work, from coming late and returning late from lunches. Employer was frustrated, as claimant was a supervisor and supposed to be setting an example for his workers. On May 4, 2021 claimant was nearly an hour late for work and on May 5 claimant was over an hour and a half late for work. Employer approached claimant on May 5 and loudly told him that they were going to take his supervisory position away if he did not start being much more timely.

Claimant walked out of work shortly thereafter. He never returned to work.

Employer stated that claimant still had his position at the time of the quit, and employer's threat was simply to try to motivate claimant as he was continually late for his job as a supervisor.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

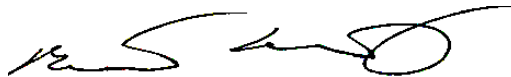
An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer threatened to take claimant's job from him and demote him if he did not start showing for work in a timely manner.

DECISION:

The decision of the representative dated July 19, 2021, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

September 24, 2021
Decision Dated and Mailed

bab/scn