

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**CARSON W POLICH**  
Claimant

**MCANINCH CORP**  
Employer

**APPEAL NO. 18A-UI-00768-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/24/17  
Claimant: Appellant (1)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated January 12, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on February 9, 2018. Claimant participated and had witness Bill Polich. Employer participated by Dave Stitz.

**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 October 30, 2017. Claimant voluntarily quit on November 6, 2017. Claimant stated that he was hired to work as a top guy for employer. As such he prepared pipe and equipment for pipe layers to lay underground. Claimant stated that a couple weeks into his job, the pipe layer he was working with was injured on the job and claimant's supervisor told claimant that he'd teach claimant how to lay pipe.

Claimant didn't complain about this and for the next week or so he worked laying pipe and making mistakes doing so. Claimant stated that he didn't like laying pipe, but never told his supervisor this as he was intimidated by his supervisor. Claimant did not ask to be moved back to his position as a top guy as he didn't much like the job, and called or texted a supervisor to say that he was quitting.

**REASONING AND CONCLUSIONS OF LAW:**

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.

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 he didn't like the work. Claimant is certainly free to quit a job that he doesn't like, but he will be disqualified from receipt of benefits unless claimant shows that his quit is attributable to actions of employer. As claimant didn't complain about the pipe laying job, and didn't ask to be moved back to his previous job, employer had no idea that claimant didn't like his new placement. Therefore, employer was left with no reasonable ability to address claimant's concerns and claimant's quit was not attributable to employer.

**DECISION:**

The decision of the representative dated January 12, 2018, 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.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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