

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHAD T SUTTER
Claimant

APPEAL NO. 11A-UI-02683-L

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF HUXLEY
Employer

**OC: 01/23/11
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the February 24, 2011 (reference 01) decision that denied benefits. After due notice was issued, a hearing was held on April 6, 2011 in Des Moines, Iowa. Claimant participated. Employer participated through Public Works Director Jeff Peterson and was represented by Douglas Fulton, attorney at law. Employer's Exhibits 1 through 3 were admitted to the record.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time public works employee from April 1, 2010 through January 24, 2011, when he quit. He quit after reprimands on January 17 and 21, 2011 about alleged tardiness and following supervisory instruction. (Employer's Exhibits 1 and 2) He was tired of being told what he was doing wrong by his supervisor but was not told he was fired. He was feeling stress and awaking during the night and had increased blood pressure but did not see a physician about the issue or obtain medical advice to quit. He was told he would receive a raise upon completion of water and wastewater licensing and was given the study manuals but did not follow up with those exams. After he told his supervisor he quit, Peterson called him to tell him he could request a meeting with the board to discuss his concerns but claimant did not pursue the issue. Peterson called a second time and told him he could have an exit interview with Peterson's boss or the mayor. Claimant declined. His job was not in jeopardy and continued work was available.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment without good cause attributable to the employer.

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.

871 IAC 24.25(28) 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 § 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 § 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:

(22) The claimant left because of a personality conflict with the supervisor.

(28) The claimant left after being reprimanded.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2).

Whether the warnings were warranted or not, claimant's decision to quit because of the disciplinary notices, unsupported medical stress issues, and a wage raise based upon a license he did not seek, was not based upon good-cause reasons attributable to the employer for leaving the employment. Benefits must be denied.

DECISION:

The February 24, 2011 (reference 01) decision is affirmed. The claimant voluntarily left his employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/kjw