

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN E PATTERSON**  
Claimant

**APPEAL NO. 14A-UI-10093-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AABACO HOLDINGS LTD**  
**HEAVY EQUIPMENT MANUFACTURING**  
Employer

**OC: 04/13/14**  
**Claimant: Appellant (2)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the September 25, 2014, reference 03, decision that disqualified him for benefits. After due notice was issued, a hearing was held on October 16, 2014. The claimant participated. Roger Bockes represented the employer and presented additional testimony through Julia Chaplin.

**ISSUE:**

Whether the claimant's voluntary quit was for good cause attributable to the employer. It was.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time welder and machine operator from June 2014 until September 5, 2014 when he voluntarily quit after being assaulted by one of the owners that day. The owner in question had thrown metal parts at the claimant. One or more of the metal parts would have hit the claimant had the part not first collided with a portion of the forklift that the claimant was operating at the time. The owner in question had actions of unwarranted anger directed at the claimant. The owner in question functioned as the claimant's immediate supervisor.

**REASONING AND CONCLUSIONS OF LAW:**

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992).

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. See 871 IAC 24.25.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005).

The evidence in the record indicates a voluntary quit due to intolerable and detrimental working conditions. The claimant was under no obligation to remain in the employment after one of the owner's assaulted him by throwing metal parts at him. The claimant might easily have been injured. The employer's response to the incident was ineffectual. The claimant did what a reasonable person would do and left the employment.

The claimant's voluntary quit was for good cause attributable to the employer. Accordingly, the claimant is eligible for benefits, provided he is otherwise eligible. The employer's account may be charged for benefits.

**DECISION:**

The September 25, 2014, reference 03, decision is reversed. The claimant voluntarily quit the employment for good cause attributable to the employer. The claimant is eligible for benefits, provided he is otherwise eligible. The employer's account may be charged for benefits paid to the claimant.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

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