

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

LARRY D OTT JR.
716 N SHELLROCK AVE
NORA SPRINGS IA 50458

MASON CITY RECYCLING LLC
MASON CITY IRON & METAL
2200 S PIERCE AVE
PO BOX 986
MASON CITY IA 50402-0986

Appeal Number: 06A-UI-06041-MT
OC: 08/28/05 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 8, 2006, reference 07, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 29, 2006. Claimant participated. Employer participated by Mike Ludwig, General Manager.

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 24, 2006. Claimant wanted to work in the shop rather than drive. No shop jobs were open. Claimant had tire blowouts on the

last day of work. Claimant received two citations for an overweight load and tire blowouts. Claimant was very unhappy and demanded to be moved to the shop or he would quit. Employer did not have a shop job open. Employer accepted claimant's resignation. Claimant was never promised a shop job. Employer did not have a shop. Employer was in the process of hiring a mechanic and opening a full-time shop. Claimant quit due to dissatisfaction with the work environment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant quit for good cause attributable to employer. 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 of dissatisfaction with the work environment. Claimant wanted a shop job that did not yet exist. Claimant was hired in as a driver with no promise of a shop job. Claimant was also unhappy with the general working conditions. Claimant did not have the right to control the work environment. Employer had absolute right to call the shots on work issues. This is a personal reason for a voluntary quit. Benefits withheld.

Iowa Code section 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.

DECISION:

The decision of the representative dated June 8, 2006, reference 07, 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.

mdm\cs