

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CLIFFORD W GIBSON
Claimant

APPEAL NO. 09A-UI-05293-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**BRIDGESTONE AMERICAS
TIRE OPERATIONS LLC**
Employer

**Original Claim: 03/01/09
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 23, 2009, reference 01, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 30, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked as a production supervisor from September 5, 2007, to February 19, 2009. His supervisor was Jerry Johnson.

The claimant quit his employment because the employer did not supply him with sufficient tire components to meet the production quotas expected. He had complained to the plant manager about this, but the only result was Johnson became upset with him about talking to the plant manager. The problem with the lack of tire components continued, yet Johnson was constantly yelling at, berating, and using profanity toward the claimant about the claimant's crew not making production standards.

The situation got so bad that the claimant was having difficulty sleeping at night. He decided that he could not tolerate the long hours and working conditions any longer and quit his employment.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The claimant has shown good cause to leave employment due to the intolerable working conditions created by the claimant's supervisor.

DECISION:

The unemployment insurance decision dated March 23, 2009, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw