

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JAMES C MEGGERS**  
Claimant

**AG PROCESSING INC**  
Employer

**APPEAL NO. 14A-UI-10499-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/14/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated October 1, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 28, 2014. Claimant participated. Employer participated by Thomas Kuiper, with witnesses Shannon Hett and Derrick Marth.

**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 September 13, 2014. Claimant was working among dust created from bean meal that was being loaded into rail cars. Claimant had also expressed that he did not like to work the swing shift that he was assigned.

Claimant had spoken with employer a couple weeks before putting in his notice. At that time he spoke about problems with the masks that had been provided to him to help with the dust problems. The masks had a tendency to get wet and clogged as claimant would perspire from the hot conditions and hard work. Employer's compliance officer was off on vacation and hadn't had an opportunity to further investigate the purchase of different masks, but claimant was told that he could use as many masks as needed throughout his shift.

Claimant did not visit a doctor concerning his medical problems caused by the bean dust. He did say that he has felt better about his breathing since he quit the job.

**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.

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 breathing difficulties, the job, and the job hours. When claimant went to employer with his concerns about the bean dust, owner addressed those issues. Employer stated that he told claimant to use as many masks as needed.

As claimant did not visit a doctor, employer relied solely on claimant's comments. Still, employer was addressing claimant's concerns. Claimant's concerns did not seem to be solely focused on the dust, but also on the type of work and the hours required. These are issues claimant knew of prior to accepting the position. As such, they are not seen to be attributable to employer.

**DECISION:**

The decision of the representative dated October 1, 2014, 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

bab/pjs