

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

CHRISTOPHER D STOKES
2711 JONES ST
SIOUX CITY IA 51104-3628

KOHN ENTERPRISES INC
INDIAN HILLS TRUE VALUE
2001 RIVERSIDE BLVD
SIOUX CITY IA 51107

DAN HARTNET
ATTORNEY AT LAW
PO BOX 27
SIOUX CITY IA 51102

Appeal Number: 06A-UI-01874-AT
OC: 01-22-06 R: 01
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:

Christopher D. Stokes filed a timely appeal from an unemployment insurance decision dated February 8, 2006, reference 02, which disqualified him for benefits. After due notice was issued, a telephone hearing was held March 6, 2006, with Mr. Stokes participating and being represented by Dan Hartnet, Attorney at Law. Vice President Andy Kohn and Accountant Ted Ball participated for the employer, Kohn Enterprises, doing business as Indian Hills True Value. This matter is consolidated on a consolidated record with 06A-UI-01994-AT, 06A-UI-02030-AT, 06A-UI-01876-AT, 06A-UI-01873-AT, and 06A-UI-01875-AT.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Christopher D. Stokes was employed by Kohn Enterprises, Inc., doing business as Indian Hills True Value until he resigned on January 24, 2006. He resigned because his other co-workers were resigning. Mr. Stokes did not attend a meeting held on January 23, 2006 that led to the resignations.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

An individual may receive unemployment insurance benefits if the individual resigns because of a substantial change in the conditions of employment. See 871 IAC 24.26 (1). There is no evidence in the record to establish any significant changes in Mr. Stokes' employment. An individual also may receive unemployment insurance benefits if the individual resigns because of intolerable or detrimental working conditions. See 871 IAC 24.26 (4). Mr. Stokes did not attend the meeting on January 23, 2006. He was not subjected to the profanity of that meeting. There is no indication that the behavior displayed by the employer at that meeting would have been visited upon Mr. Stokes. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated February 8, 2006, reference 02, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

kkf/tjc