

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON H HOFF
Claimant

APPEAL NO. 12A-UI-12695-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

US GRAIN STORAGE SYSTEMS
Employer

OC: 02/05/12
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Jason Hoff, filed an appeal from a decision dated October 9, 2012, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 29, 2012. The claimant participated on his own behalf. The employer, US Grain, participated by Hiring Manager Jennifer Briggs-Moen. Exhibits One and Two were admitted into the record.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Jason Hoff` was employed by U.S. Grain from December 19, 2011 until September 11, 2012 as a full-time general laborer. On September 11, 2012, Mr. Hoff became involved in a verbal altercation with Owner Larry Moen. During the dispute Mr. Hoff said he was quitting. When Mr. Moen called the office to speak with Hiring Manager Jennifer Briggs-Moen the claimant came into the trailer and Ms. Briggs-Moen heard him say that he did not mean to quit. Later he confirmed to a co-worker, Jason Briggs, that he knew he was wrong and he hoped the employer would let him come back.

REASONING AND CONCLUSIONS OF LAW:

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 24.25(22) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(22) The claimant left because of a personality conflict with the supervisor.

The claimant quit when he got into an argument with his supervisor. He then tried to retract it but the employer was not willing to have him continue working. While Mr. Hoff many have lost his temper, an on-going problem which had caused disciplinary action to be issued in the past, he still had quit and the employer was not obliged to allow him to retract his resignation. Under the provisions of the above Administrative Code section, a dispute with the supervisor is not good cause attributable to the employer for quitting and the claimant is disqualified.

DECISION:

The representative's decision of October 9, 2012, reference 03, is affirmed. Jason Hoff is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css