

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DARYL G FRANZENBURG**  
Claimant

**APPEAL NO. 11A-UI-07382-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RADIO COMMUNICATIONS INC**  
Employer

**OC: 05/08/11  
Claimant: Appellant (1)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Daryl Franzenburg, filed an appeal from a decision dated May 27, 2011, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on June 28, 2011. The claimant participated on his own behalf and with Amanda Pegump. The employer, Radio Communications, participated by President Terry Harris.

**ISSUE:**

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

**FINDINGS OF FACT:**

Dennis Franzenburg was employed by Radio Communications from May 7, 2008 until May 2, 2011 as a full-time sales representative. On May 2, 2011, the claimant called President Terry Harris and said he was quitting. He had heard from the assistant manager at a bar he frequented that Adam Harris, another employee of Radio Communications and the son of the president, had been in the bar Thursday April 28, 2011. Adam Harris had allegedly made derogatory remarks about Mr. Franzenburg, saying he was going to be fired, accusing him of stealing from the company and that he could not do his job correctly.

The claimant quit before he made any attempt to bring his complaint to the attention of Terry Harris because he believed nothing would be done about it. This was not based on any prior experience as Mr. Franzenburg had never brought any complaints to the employer in the past.

**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.

871 IAC 24.25(6) 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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

The claimant quit because of reports made to him by another that a co-worker had been making negative comments about him off premises. The administrative law judge understands this is unpleasant. But the issue is whether Mr. Franzenburg had good cause attributable to the employer for quitting when he quit and then told the employer why he was quitting. In order for good cause attributable to the employer to exist, a claimant must make some effort to give the employer an opportunity to work out whatever problem led to the grievance. By not giving notice to the employer of the circumstances causing the decision to quit employment, the claimant failed to give the employer an opportunity to make adjustments which would alleviate the need to quit. *Denby v. Board of Review*, 567 P.2d 626 (Utah 1977).

The record establishes the claimant did not make any good-faith effort to resolve the matter before quitting. Therefore his resignation cannot be considered to be with good cause attributable to the employer and he is disqualified.

**DECISION:**

The representative's decision of May 27, 2011, reference 01, is affirmed. Daryl Franzenburg is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs