

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SAVENO B SEALS
Claimant

UG2 LLC
Employer

APPEAL 21A-UI-23452-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/19/21
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

The claimant/appellant, Saveno B. Seals, filed an appeal from the October 25, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on December 13, 2021. The claimant participated. The employer, UG2 LLC., participated through Judy Berry, hearing representative. Steven Lynch testified for the employer.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed part-time as a maintenance supervisor and was separated from employment on September 14, 2021, when he resigned after being told he would be suspendedⁱ. Continuing work was available.

Claimant worked on assignment at the Altoona outlet mall. Claimant had access to a utility vehicle (“the mule”) that he could drive on the concourse when the mall was not open. Claimant had acknowledged he understood this expectation, in writing, after a meeting on May 11, 2021.

Employer received complaints about the claimant operating the mule during mall hours. Claimant also hit mall property when operating the mule on September 5, 2021 and did not tell the employer. Employer confronted claimant about the accident on September 14, 2021 after security personnel provided footage. Claimant admitted to being in the accident and not reporting it. Claimant was informed that he would be suspended pending investigation. Approximately five minutes after being informed of the suspension, claimant walked back to the employer with a typed up resignation letter and separated ensued.

Prior to quitting, claimant was upset to learn employer had not promoted him and had elected to select another person for the second in charge position. Mr. Lynch asserted he appreciated the claimant but that he did not have the skill set necessary for the role, even with his experience. Claimant was upset that someone else had been hired into a full-time role over him.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant voluntarily quit without good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 claimant has the burden of proof to establish she quit with good cause attributable to the employer, according to Iowa law. "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (Fla. App. 1973).

Ordinarily, "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code section 96.2. *O'Brien v. EAB*, 494 N.W.2d 660, 662 (Iowa 1993)(citing *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the element of good faith." *Wiese v. Iowa Dep't of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986) "[C]ommon sense and prudence must be exercised in evaluating all of the circumstances that lead to an employee's quit in order to attribute the cause for the termination." *Id.*

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993).

Iowa Admin. Code r. 871-24.25(22) and Iowa Admin. Code r. 871-24.25(28) provide:

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.

...

(28) The claimant left after being reprimanded.

The administrative law judge understands the claimant was upset about passed over for promotion. An employer has the right to allocate personnel in accordance with the needs and available resources. *Brandl v. Iowa Dep't of Job Serv.*, (No. ___-___/___-___, Iowa Ct. App. filed ___, 1986).

However, claimant's resignation was timed with him being suspended after having an accident in the company utility vehicle and not reporting it. Employer had not yet fully investigated the matter or made a decision whether claimant would retain employment, be demoted or fired. While the claimant may have had good personal reasons to quit the employment, he has not established he quit for good cause reasons attributable to the employer, according to Iowa law. Benefits are denied.

DECISION:

The unemployment insurance decision dated October 25, 2021, (reference 01) is AFFIRMED. The claimant voluntarily quit without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.



Jennifer L. Beckman
Administrative Law Judge
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January 13, 2022
Decision Dated and Mailed

jlb/kmj

ⁱ Claimant does not have other wages in his base period that would make him monetarily eligible if wages earned from this employment were excluded from his claim for benefits.