

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HUSSAM ABUSHARKH
Claimant

APPEAL NO. 11A-UI-15597-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES MIONES TRANSPORTATION CO
Employer

**OC: 11/06/11
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 2, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 6, 2012. Claimant participated. Employer participated by Jack Sawyer, President. Exhibit One was admitted into evidence.

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 28, 2011. Claimant quit because of changes in work hours. Claimant had four changes in the last three months. Claimant also quit because of harassment. Claimant was harassed and criticized by coworkers for taking his vacation in shorter time periods. Claimant had trouble getting along with his coworkers. Claimant did not like their criticism. Claimant quit because he was hourly. Claimant wanted to go to salary. Employer did not promise to make claimant a salaried worker. Claimant wanted to divide Sunday work between the employees. Sunday work was not required. Claimant did not like the consumption of alcoholic beverages as at work. Employer allowed drinking on Thursday and Friday late afternoons. Claimant also was uncomfortable with gambling in the department. Claimant is a recovering gambling addict. Claimant told employer he did not want to take part. Employer accommodated claimant's request. Claimant had trouble getting paid one time for two days due to a mistake over scheduling of vacation. This was not a recurring problem but a onetime mistake. Continued work was available if claimant had not quit.

REASONING AND CONCLUSIONS OF LAW:

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 conflicts with coworkers and dissatisfaction with the work

environment. The complaints by claimant do not amount to a detrimental work environment. Conflicts with coworkers are not good cause for a quit. The change in schedules is minor as the core hours were very close to the same. Furthermore, claimant was never promised a salaried job. This is not a breach in the contract of hire. The use of alcohol was employer's choice. Claimant was not required to participate in drinking or gambling. In conclusion, claimant quit due to an overall dissatisfaction with the work environment. Benefits withheld.

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(21) 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:

(21) The claimant left because of dissatisfaction with the work environment.

DECISION:

The decision of the representative dated December 2, 2011, 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.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css