

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARK HEIMER**

Claimant

**APPEAL NO: 12A-UI-09604-B**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CITY OF STACYVILLE**

Employer

**OC: 07/08/12**

**Claimant: Appellant (2)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Mark Heimer (claimant) appealed an unemployment insurance decision dated July 31, 2012, reference 01, which held that he was not eligible for unemployment insurance benefits because he voluntarily quit his employment with the City of Stacyville (employer) without good cause attributable to the employer. After hearing notices were mailed to the parties' last-known addresses of record, a hearing was held in Mason City, Iowa on October 22, 2012. The claimant participated in the hearing. The employer participated through Harlan Bisbee, City Clerk and Harold Isaac, Mayor. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed full time as a plant manager at the city's water treatment and waste water treatment from April 13, 2005 through June 24, 2012 when he voluntarily quit. He was required to work seven days a week, 356 days a year and could not take time off work because there was no one to fill in for him if he was absent. The claimant only took minimal time off work and while the employer had another person trained to do the job, that person never agreed to work since he said he always had to go see his daughter. The claimant often received calls during the middle of the night and he used his own truck and tools for work. He quit and then told the employer he would stay if certain demands were met but the employer was unwilling to work for him.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies him to receive unemployment insurance benefits. He is not qualified to receive unemployment

insurance benefits if he voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant quit his employment on June 24, 2012 due to intolerable working conditions. A quit due to an intolerable or detrimental working condition is 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). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d (Iowa 2005). "Good cause" need not be based on fault or wrongdoing on the part of the employer, but may be attributable to the employment itself. *Raffety v. Iowa Employment Security Commission*, 76 N.W.2d 787 (Iowa 1956).

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. Iowa Code § 96.6-2. He has satisfied that burden and benefits are allowed.

**DECISION:**

The unemployment insurance decision dated July 31, 2012, reference 01, is reversed. The claimant voluntarily quit his employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits provided he is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/css