

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ZAC A DYE
Claimant

APPEAL NO. 10A-UI-17253-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRIFFIN PIPE PRODUCTS INC
Employer

OC: 10/10/10
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Griffin Pipe Products (employer) appealed a representative's December 9, 2010 decision (reference 01) that concluded Zac Dye (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 2, 2011. The claimant participated personally. The employer participated by Nicole Aasgaard, Human Resources Associate, and Dave Stuhr, Melting Foreman.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 hired on July 9, 2010, as a full-time general laborer. The claimant's supervisor threw sand in the claimant's eyes in July 2010. An incident report was filed and the supervisor was reprimanded. In late September 2010, the claimant was driving a front end loader moving lime ash when all four of his tires caught fire. Also in late September 2010, the claimant was driving a fork truck when it caught fire. The claimant reported the incidents to either the supervisor or the safety director. Neither filed an incident report. The claimant quit work after September 29, 2010, due to detrimental working conditions.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer.

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 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

The law presumes a claimant has left employment with good cause when he quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. Hy-Vee, Inc. v. Employment Appeal Board and Diyonda L. Avant, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer of the unsafe working conditions. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's December 9, 2010 decision (reference 01) is affirmed. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css