

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**JAMES M STRASKO  
1102 – 697<sup>TH</sup> AVE  
EDDYVILLE IA 52553**

**IKON OFFICE SOLUTIONS INC  
c/o EMPLOYERS UNITY INC  
P O BOX 749000  
ARVADA CO 80006-9000**

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**Appeal Number: 04A-UI-04398-HT  
OC: 03/28/04 R: 03  
Claimant: Appellant (1)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Quit

STATEMENT OF THE CASE:

The claimant, James Strasko, filed an appeal from a decision dated April 14, 2004, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on May 11, 2004. The claimant participated on his own behalf and was represented by Iowa Legal Aid in the person of Sarah Wenke. The employer, Ikon Office Solutions, Inc. (Ikon), participated by Integrate Account Manager Erick Wagner and was represented by Employers Unity in the person of Sandy Fitch.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: James Strasko was employed by Ikon from March 10, 1999 until March 19, 2004. He was a full-time site manager.

The claimant and another employee, Chris, had a strained relationship. Many complaints from both of them about each other went to Integrated Accounts Manager Eric Wagner. The claimant was asked to document Chris's absenteeism and tardiness, which he did. Chris was then issued a written disciplinary action for his attendance in August 2003.

Mr. Strasko went on a leave of absence from mid-September 2003 until January 1, 2004. During his leave Mr. Wagner received no complaints from anyone else about Chris, but the claimant began complaining again as soon as he returned to work. He was once again asked to document the problems because any further disciplinary action, up to and including discharge, would require it. The claimant was "too busy" to document although he would call from time to time with further complaints.

On March 8, 2004, the claimant notified Mr. Wagner he was giving his two-week notice because he was still frustrated with Chris. At a meeting on March 9, 2004, the manager asked Mr. Strasko to reconsider but he refused and his final day of work was set at March 19, 2004. He was released a week early, although he was paid through the agreed-upon date, due to complaints from co-workers about the aggression and discord between the claimant and Chris.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is.

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(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 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:

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

The claimant's reason for quitting was his poor relationship with Chris, his co-worker. Although he maintained that Ikon would not do anything about his complaints, the record does not

support this. As a direct result of Mr. Strasko's documentation, Chris was disciplined in August 2003. However, when the claimant began to complain again and was asked again to document Chris's inappropriate conduct, he declined, indicating he was "too busy." As the site supervisor he was the only one present who was in a position to document the behavior. He could even have issued discipline himself, but did not do so.

He could have remained employed but he was not willing to give the employer the documentation needed to discipline, and possibly discharge, Chris. His resignation was without good cause attributable to the employer and he is disqualified.

**DECISION:**

The representative's decision of April 14, 2004, reference 01, is affirmed. James Strasko is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount provided he is otherwise eligible.

bgh/s