

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

NAPOLIAN JOHNSON
Claimant

APPEAL NO. 21A-UI-08709-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PREMIER EMPLOYEE SOLUTIONS LLC
Employer

OC: 04/19/20
Claimant: Appellant (1)

Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 23, 2021, reference 04, decision that disqualified the claimant for benefits and that stated the employer's account would not be charged for benefits, based on the deputy's conclusion that the claimant voluntarily quit on February 11, 2021 without good cause attributable to the employer. After due notice was issued, a hearing was held on June 10, 2021. The claimant participated and presented additional testimony through Alattiney Lockett. Tiffany Kniffen represented the employer and presented additional testimony through Brittney Clemen.

ISSUES:

Whether the claimant voluntary quit without good cause attributable to the employer.
Whether the claimant was discharged for misconduct in connection with the employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer, Premiere Employee Solutions, L.L.C. is a temporary employment agency that supplies employees to Sonoco in Iowa City. The employer maintains an onsite office and onsite supervisor at the Sonoco plant. In October 2020, Brittney Clemen was promoted from a temporary worker position to onsite supervisor.

Claimant, Napolian Johnson, was employed by Premiere in a series of full-time, temporary work assignments at Sonoco. The most recent assignment started on January 18, 2021 and ended on February 11, 2021, when Mr. Johnson walked off the job less than an hour after starting his shift. Mr. Johnson had a headache that morning. He started his shift at 8:00 a.m. Shortly before 9:00 a.m., Mr. Johnson went the onsite Premiere office and asked Ms. Clemen for pain medication. Ms. Clemen told Mr. Johnson she could not give him medication. Mr. Clemen became upset that the employer would not provide him with medication. Ms. Clemen held the door open so that Mr. Johnson could exit her office. Ms. Clemen did not tell the claimant to leave the workplace or that he was fired. Mr. Johnson left the workplace in an upset state and did not return or make further contact with the employer.

REASONING AND CONCLUSIONS OF LAW:

A discharge is a termination of employment initiated by the employer for such reasons as incompetence, violation of rules, dishonesty, laziness, absenteeism, insubordination, or failure to pass a probationary period. Iowa Administrative Code rule 871-24.1(113)(c). A quit is a separation initiated by the employee. Iowa Administrative Code rule 871-24.1(113)(b). In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See Iowa Administrative Code rule 871-24.25.

Iowa Admin. Code r. 871-24.25(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.

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.

It is the duty of the administrative law judge as the trier of fact in this case, to determine the credibility of witnesses, weigh the evidence and decide the facts in issue. *Arndt v. City of LeClaire*, 728 N.W.2d 389, 394-395 (Iowa 2007). The administrative law judge may believe all, part or none of any witness's testimony. *State v. Holtz*, 548 N.W.2d 162, 163 (Iowa Ct. App. 1996). In assessing the credibility of witnesses, the administrative law judge should consider the evidence using his or her own observations, common sense and experience. *Id.* In determining the facts, and deciding what testimony to believe, the fact finder may consider the following factors: whether the testimony is reasonable and consistent with other believable evidence; whether a witness has made inconsistent statements; the witness's appearance, conduct, age, intelligence, memory and knowledge of the facts; and the witness's interest in the trial, their motive, candor, bias and prejudice. *Id.*

The weight of the evidence in the record established that the claimant voluntarily quit on February 11, 2021 without good cause attributable to the employer and due to dissatisfaction with the work environment. The claimant had a headache and was upset when the employer said she could not provide him with pain medication. It was not unreasonable for the claimant to seek an over-the-counter pain medication for his headache. It was also not unreasonable for

the employer to decline providing such medication. The claimant was upset that he did not get what was after and made the rash decision to walk off the job. There would have been no reason for the employer to tell the claimant that he was fired. The claimant's friend, Mr. Lockett, was at least 50 to 60 feet away as the claimant was leaving Ms. Clemen's office and not in a position to see or hear what transpired between the claimant and the employer.

The claimant is disqualified for benefits until the claimant has worked in and been paid wages for insured work equal to 10 times the claimant's weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

DECISION:

The March 23, 2021, reference 04, decision is affirmed. The claimant voluntarily quit the employment on February 11, 2021 without good cause attributable to the employer. The claimant is disqualified for benefits until the claimant has worked in and been paid wages for insured work equal to 10 times the claimant's weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.



James E. Timberland
Administrative Law Judge

June 24, 2021
Decision Dated and Mailed

jet/ol

NOTE TO CLAIMANT: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are unemployed or continue to be unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits that you must repay.

ATTENTION: On May 11, 2021, Governor Reynolds announced that Iowa will end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for PUA in Iowa will be the week ending June 12, 2021. Additional information can be found in the press release at <https://www.iowaworkforcedevelopment.gov/iowa-end-participation-federal-unemployment-benefit-programs-citing-strong-labor-market-and>.