

**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**

**ATHENA L OLSON
1946 – 23RD ST
MOLINE IL 61265-4182**

**VON MAUR INC
C/O FRICK UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283**

**Appeal Number: 06A-UI-03490-H2T
OC: 02-26-06 R: 04
Claimant: Respondent (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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the March 14, 2006, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on April 13, 2006. The claimant did participate. The employer did participate through Heather Purlee, Human Resources Manager.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a collector full time beginning August 5, 2002 through January 27, 2006, when she voluntarily quit.

The claimant quit because she could no longer work for her supervisor, Lisa Herman, because Ms. Herman yelled at her and embarrassed her in the work place. The claimant has established that her supervisor would yell at her when she made mistakes and would slam her door and/or throw down pieces of paper when she was disgusted. Ms. Purlee, on behalf of the employer, made it perfectly clear at hearing that employee subordinates would never be allowed to speak to a boss or a supervisor by yelling at them. Employees should be treated the same way they are expected to treat a supervisor.

The claimant reported her supervisor's offensive intolerable behavior to Jim Carter, who took no action to control Ms. Herman's yelling at subordinates.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment 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.

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. 871 IAC 24.25. Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(21). Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3), (4). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant has established more than just an unpleasant work environment. Ms. Herman engaged in behavior that would not be tolerated from a subordinate. An employee should not have to put up with behavior the employer would not tolerate as well. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The March 14, 2006, reference 01, decision is affirmed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

tkh/kkf