

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**COURTNEY HATCH**  
Claimant

**APPEAL NO: 09A-UI-11654-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARE INITIATIVES**  
Employer

**OC: 07-12-09**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the August 10, 2009, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on August 27, 2009. The claimant participated in the hearing. Kristi Schubert, Administrator and Tom Halpin, Employer Representative, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time dietary aide/cook for Care Initiatives from February 18, 2008 to July 10, 2009. The claimant called the employer July 10, 2009, and stated she was quitting her job effective immediately. She had a conflict with a co-worker she had trained beginning in April or May 2009. The co-worker would make rude comments, “get in her face,” tell her how to do her job and yelled loudly that if the claimant “didn’t make her job easier she would make (the claimant’s) job harder.” The claimant called Dietary Service Manager Tina Jacobson nearly every day after she worked with the other employee and Ms. Jacobsen would say she would take care of the situation but the problem persisted. The claimant asked Ms. Jacobson not to schedule her with the other employee but she was always scheduled with her the last two weeks to a month she worked. The claimant finally told Ms. Jacobson she was going to quit if the problem was not resolved and although the other employee was disciplined her behavior continued until the claimant quit July 10, 2009. She was rehired August 26, 2009, after the other employee quit.

**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.

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 unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). 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 other employee was abusive, unprofessional and inappropriate and made it extremely difficult for the claimant to do her job. The employer recognized there was a problem and disciplined the other employee but the situation did not improve. The other employee made the claimant's working conditions intolerable. Consequently, the administrative law judge concludes the claimant has demonstrated that her leaving was attributable to the employer. Therefore, benefits are allowed.

**DECISION:**

The August 10, 2009, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/css