

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STACEY Y TRIPLETT**  
Claimant

**APPEAL NO. 07A-UI-05349-H**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COMMAND CENTER INC**  
Employer

**OC: 04/22/07 R: 02  
Claimant: Appellant (2)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

Stacey Triplett filed an appeal from a decision dated May 15, 2007, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held in Des Moines, Iowa, on July 9, 2007. The claimant participated on her own behalf and was represented by Attorney Mark Sherinian. Command Center, Inc., was paged in the main waiting area at 1:30 p.m. No one was present and the employer did not participate. Aaron Lindebak observed the proceedings but did not offer testimony or participate in any way. Exhibit A was admitted into the record.

**ISSUE:**

Whether the claimant quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

Stacey Triplett was employed by Command Center from July 31, 2006, until April 24, 2007, as a full-time staffing specialist.

The claimant submitted a verbal resignation to Vice President Jamie Long by telephone on April 24, 2007. On that day, the claimant left the office at 8:15 a.m. for a scheduled doctor's appointment. She had notified Branch Manager Chuck Schwab by e-mail the week before that she had the appointment on this date and had reminded him by e-mail on April 23. As she was leaving, Mr. Schwab denied knowing anything about the appointment, stating, "Your ass didn't tell me anything and your ass needs to get back to your chair." She did go to the doctor who diagnosed "acute situational depression," which had resulted in migraines and raised blood pressure. The doctor further recommended a leave from work until April 29, 2007.

She had informed Mr. Schwab that she would be off work until the 29th and did have a doctor's note for her absence when she called him back at approximately 10:15 a.m. He kept insisting that she return to work and kept using abusive language. Ms. Triplett did finally contact Vice President Long at approximately 8:00 p.m. that evening and asked if he wanted her to fax the doctor's note to him. He told her no but said that she did have to return to work the next day

because he “had a business to run.” The claimant finally told him he was forcing her to quit and turned in her keys the next day.

Ms. Triplett had endured other harassment from Mr. Schwab, beginning approximately December of 2006, where he made racial and sexual remarks to her, telling her that she sounded like “the ghetto” and needed to sound “like a white woman” on the phone. He invited her to look into the bathroom while he was using it and referred to her as his “Southern white bitch.” Ms. Triplett had spoken to human resources, the sales manager, and the previous vice president about Mr. Schwab, but no one ever spoke to her to further any investigation and, to her knowledge, Mr. Schwab was never reprimanded or disciplined.

**REASONING AND CONCLUSIONS OF LAW:**

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 claimant plainly quit because of intolerable and detrimental working condition. Her supervisor was abusive, harassing, and made inappropriate racial and sexual remarks to her. The employer, when notified of the problem on several occasions, did not appear to have made any effort to address the situation. The claimant's resignation is therefore with good cause attributable to the employer.

**DECISION:**

The representative's decision of May 15, 2007, reference 01, is reversed. Stacey Triplett is qualified for benefits, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

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