

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLES BRUMLEY**  
Claimant

**APPEAL NO: 09A-UI-03643-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SWIFT & COMPANY**  
Employer

**OC: 02-0-09**  
**Claimant: Respondent (1)**

Iowa Code Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed a representative's decision dated February 24, 2009, reference 01, that allowed benefits to the claimant. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 2, 2009. The claimant participated in the hearing. Tony Luse, Employment Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily quit his employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time production worker from November 19, 2007 through March 13, 2008 when he voluntarily quit. He simply stopped reporting to work due to detrimental working conditions. The claimant is a recovering drug addict and in December 2008 he noticed his co-employees openly using drugs in common areas. The employees were using marijuana, methamphetamines and drinking alcohol and one of these employees was working right next to the claimant which potentially affected his safety on the job. When he first noticed the problem, he told his supervisor who said he would look into it but nothing changed. He tried to speak to the union about it but they told him to return the following day. The claimant spoke to the supervisor two or three more times and one employee was discharged for smoking marijuana but the illegal activity continued. The employee who worked next to the claimant often fell asleep and the claimant had to do his co-worker's share of work and felt the situation was unsafe. He did not know who to speak to since he had already brought it to his supervisor's attention and was afraid of retaliation. The claimant stopped reporting to work regularly. He called in ill from February 26, 2008 through March 4, 2009. The claimant worked March 5, 2009, and saw that the illegal activity continued so did not believe anything would change. He called in sick the next three days, after which he stopped reporting completely.

**REASONING AND CONCLUSIONS OF LAW:**

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

The claimant quit his employment due to detrimental working conditions. Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See Aalbers v. Iowa Department of Job Service, 431 N.W.2d 330 (Iowa 1988) and O'Brien v. Employment Appeal Bd., 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See Hy-Vee v. EAB, 710 N.W.2d (Iowa 2005). In the case herein, the administrative law judge concludes a reasonable person would have quit under like circumstances. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify him. He has satisfied that burden. Benefits are allowed.

**DECISION:**

The unemployment insurance decision dated February 24, 2009, reference 01, is affirmed. The claimant voluntarily quit his employment with good cause attributable to the employer and is eligible to receive unemployment insurance benefits, provided he is otherwise eligible.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/pjs