

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SARA L GRAY
Claimant

SIOUX CITY DQ INC
Employer

APPEAL NO. 15A-UI-14024-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/22/15
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 16, 2015, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 13, 2016. Claimant participated. Employer participated by Steve Hill.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer in June of 2015. Claimant quit working for employer because claimant had a coworker who would be mean to her and call her names. Additionally other people used drugs while at work.

Claimant told a manager of the coworker calling her names, but nothing seemed to change. Claimant never followed up on her statement to manager about the coworker. Claimant did not share her concerns about drug usage with employer. Employer has specific information and steps to be followed should an employee feel harassed. A phone number and instructions are posted right next to the schedules at work.

Owner stated that he was never approached about these problems when he visited the store at which claimant worked. Claimant stated that she did not see owner often enough to tell him.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

Iowa Admin. Code r. 871-24.25(6) 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 § 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 § 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:

(6) The claimant left as a result of an inability to work with other employees.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she felt she was being picked on.

A claimant with work issues or grievances must make some effort to provide notice to the employer to give the employer an opportunity to work out whatever issues led to the dissatisfaction. Failure to do so precludes the employer from an opportunity to make adjustments which would alleviate the need to quit. Denvy v. Board of Review, 567 Pacific 2d 626 (Utah 1977). In this matter claimant did no more than approach one manager on one occasion to complain that someone had called her names. Although this type of action is never to be condoned, claimant's response was not sufficient to create a situation that employer's lack of action would constitute good cause for claimant to quit work.

DECISION:

The decision of the representative dated December 16, 2015, reference 02, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs