

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LACEY J VANDELLO
Claimant

APPEAL NO. 09A-UI-11036-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ACCESS DIRECT TELEMARKETING INC
Employer

OC: 07/06/08
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 22, 2009, reference 06, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 18, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time for the employer as a telemarketer from April 20 to June 15, 2009.

Around June 7, 2009, at 2:30 a.m., the claimant received a threatening phone call from a coworker at her home. In the phone call, the coworker falsely accused the claimant of telling people that the coworker was selling drugs at work. She told the claimant that she was going to "kick her butt" and ended the call saying "you're dead bitch."

The next day, the claimant reported to her supervisor what the coworker had said. The coworker was not at work that day. The supervisor told the claimant that nothing would happen to her and he would get with the other supervisor to handle the situation. The coworker was not at work for the whole week.

When the claimant reported to work on June 15, 2009, she noticed the coworker who threatened her was at work. While the claimant was on the phone, the coworker said "you're going to get it bitch." A short time later, the coworker and another employee had confrontation with the claimant during which they directed threats of physical violence toward the claimant.

The claimant went to a supervisor and reported what had happened. The claimant was sent home for the day without pay. The next day, the claimant was told that there was no evidence to take any action against the employees who threatened her, and they were going to have the

claimant work on a different shift so she would not have to work with the coworker who threatened her.

The claimant quit her employment on June 16, 2009, because the employer failed to take effective action to protect her from an employee who threatened her with physical violence.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without 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.

The claimant had the right to expect the employer would take effective action to protect her from an employee who threatened her with physical violence. The employer did not do so, and the claimant, therefore, voluntarily quit employment with good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated July 22, 2009, reference 06, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs