

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JENNIFER L PRINCE Claimant FAMILY DOLLAR OPERATIONS INC Employer	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 17A-UI-12397-S1-T</div> <div>ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 11/27/16 Claimant: Appellant (2)</div>
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Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Jennifer Prince (claimant) appealed a representative's November 30, 2017, decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Family Dollar Operations (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 21, 2017. The claimant participated personally. The employer participated by Antoine Taylor, Store Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 hired on July 14, 2017, as a full-time assistant store manager. The claimant had discussion with the district manager about an employee who carried a Taser and a switch blade in her purse at work. The employee also ingested marijuana edibles at work and offered them to the claimant and co-workers. The employer did nothing about the situation.

On November 9, 2017, the claimant worked with the co-worker for about three hours. The co-worker screamed and cursed in front of customers. She threatened to beat up and stab the claimant. The claimant told the co-worker to go home. In response the co-worker cursed at the claimant. The claimant called the district manager repeatedly and the district manager could hear the co-worker's threats over the telephone. The district manager told the claimant to stay away from and not talk to the co-worker. The claimant was afraid of the co-worker and told the district manager she would quit if the co-worker continued to work at the store.

On November 10, 2017, the claimant called off work so she would not have to work with the co-worker. On November 12, 2017, the co-worker sent the claimant a text asking if the claimant was going to open the store. The claimant was uncomfortable. On November 13, 2017, the claimant appeared for work. The co-worker appeared for work a few hours later. The co-worker was hostile and would not answer questions. She jabbed the register with her fingers. The

claimant called the employer and said she was quitting. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer.

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. 871-24.26(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 law presumes a claimant has left employment with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. *Hy-vee, Inc. v. Employment Appeal Board and Diyonda L. Avant*, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer of the conditions and that she intended to quit if the conditions were not remedied. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits, provided he meets all the qualifications.

DECISION:

The representative's November 30, 2017, decision (reference 03) is reversed. The claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed, provided claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs