

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KELLI J COOPER HYDE**  
Claimant

**APPEAL NO. 09A-UI-15278-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**Original Claim: 08/16/09  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Kelli J. Cooper-Hyde filed a timely appeal from an unemployment insurance decision dated September 18, 2009, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held December 14, 2009, with Ms. Cooper-Hyde participating and being represented by Richard Sturgeon. The employer, Tyson Fresh Meats, Inc., chose not to participate.

**ISSUE:**

Did the claimant leave work with good cause attributable to the employer?

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Kelli J. Cooper-Hyde was employed by Tyson Fresh Meats, Inc. from August 21, 2003, until she resigned on or about July 29, 2009. She worked as a nurse. On or about July 20, 2009, the company administered a breathalyzer test to her. The result was negative. Nevertheless, another nurse with the company notified several individuals outside of the company that the test had taken place. The claimant's former husband, now a resident of Missouri, learned of the test. Ms. Cooper-Hyde and her ex-husband were, at the time, involved in a child custody dispute.

Company policy prohibits dissemination of such information to those who do not have the need to know.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does.

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.

An individual may receive unemployment insurance benefits if the individual has resigned because of intolerable or detrimental working conditions. See 871 IAC 24.26(4). The uncontradicted evidence in this record establishes that the employer violated its own policy by providing information of the breathalyzer test to people outside the company who lacked the need to know the information. This action created detrimental and intolerable working conditions. Benefits are allowed.

**DECISION:**

The unemployment insurance decision dated September 18, 2009, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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