

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHRISTINA M BEHUN**  
Claimant

**APPEAL NO. 16A-UI-12710-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BUSINESSSOLVER.COM INC**  
**BUSINESSSOLVER.COM**  
Employer

**OC: 11/06/16**  
**Claimant: Appellant (2)**

Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Christina Behun filed a timely appeal from the November 23, 2016, reference 01, decision that disqualified her for benefits and that relieved the employer's account of liability for benefits, based on an agency conclusion that Ms. Behun had voluntarily quit on October 28, 2016 without good cause attributable to the employer. After due notice was issued, a hearing was held on December 15, 2016. Ms. Behun participated. The employer submitted two documents in lieu of participating in the hearing. Exhibits 1, 2 and A were received into evidence.

**ISSUE:**

Whether Ms. Behun's voluntary quit was for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Christina Behun was employed by Businesssolver.com as a full-time client relationship executive from 2011 until October 28, 2016, when she voluntarily quit. Ms. Behun performed her work duties as part of a team. The team's final project prior to Ms. Behun's quit was to prepare an employee open enrollment website for a commercial client. The commercial client in turn would provide the open enrollment website to several other businesses so that the employees of those businesses could use the open enrollment website. The designated test date for the website was October 28, 2016. The client needed the website to be operational by that date so that the client and/or its customers could test the website prior to launch. As client relationship executive, Ms. Behun was the team's liaison with the client. One member of Ms. Behun's team had an ongoing alcohol abuse issue that fundamentally undermined the team's ability to function and that prevented the team from meeting the designated website test date. During the last week of the employment, Ms. Behun worked 70 to 80 hours, well above her usual 40-hour work week, in an effort to assist the alcohol-abusing member of the team so that the team could meet the designated launch date. The night before Ms. Behun quit the employment, she worked until 2:00 a.m. assisting the alcohol-abusing coworker with his work duties. In the end, the alcohol-abusing team member failed to perform essential duties and prevented the team

from meeting the test date deadline. Though Ms. Behun sought assistance from team members who were supposed to be managing the team's performance, those individuals offered no meaningful solutions. Ms. Behun was then placed in the impossible situation of having to explain to the frantic client why the client would be unable to meet its contractual obligations to the companies intending to use the open enrollment website. The employer was at all relevant times aware of the alcohol-abusing team member's conduct and failed to take steps to intervene.

## **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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). 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. See 871 IAC 24.25.

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 213 (Iowa 2005).

The weight of the evidence in the record establishes a voluntary quit for good cause attributable to the employer. The weight of the evidence in the record establishes that the employer knowingly tolerated the conduct of the alcohol-abusing team member whose behavior fundamentally undermined the team's ability to function. The employer's failure to take reasonable steps to address that situation resulted in Ms. Behun have to work roughly double the number of hours and subjected her to an overwhelming amount of stress. The weight of the evidence in the record establishes intolerable and detrimental working conditions that would have prompted a reasonable person to leave the employment. Because the administrative law judge concludes that Ms. Behun's quit was for good cause attributable to the employer, she is eligible for benefits, provided she meets all other eligibility requirements. The employer's account may be charged.

## **DECISION:**

The November 23, 2016, reference 01, decision is reversed. The claimant voluntarily quit the employment for good cause attributable to the employer. The claimant is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/rvs