

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JESSICA L GIBSON
Claimant

PURFOODS LLC
Employer

APPEAL 15A-UI-08237-DGT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/15
Claimant: Appellant (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 7, 2015, (reference 01) that held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 14, 2015. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Claimant's Exhibit A was admitted into evidence.

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 on March 27, 2015. Claimant quit work on that date because she was being harassed at work by a supervisor.

A supervisor at claimant's place of work was married to claimant's brother. The supervisor agreed to stay clear of claimant, and to not co-mingle work with the claimant's personal life. In March of 2015 the supervisor began to harass claimant at work, and she would also tell claimant's brother confidential work-related information. The last thing that occurred that led to claimant's resignation was the supervisor spreading threatening rumors which indicated that claimant was going to be fired. Claimant's brother called her at home, and warned her to steer clear of the supervisor because she out to get her. The combination of work-related harassment coupled with inflammatory information being disseminated to claimant's close relatives created a hostile environment that the claimant could no longer tolerate.

REASONING AND CONCLUSIONS OF LAW:

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

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. 871-24.26(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.

Individuals who leave their employment due to disparate treatment are considered to have left work due to intolerable or detrimental working conditions and their leaving is deemed to be for good cause attributable to the employer. The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Dep't of Job Serv.*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Emp't Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

Claimant submitted credible evidence of employer's creation of an intolerable work environment which was a threat to her physical and mental health. Thus, claimant has established good-cause reasons for leaving the employment. Benefits are allowed.

DECISION:

The decision of the representative dated May 7, 2015, (reference 01) is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/mak