

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TRICIA TELFORD**  
Claimant

**APPEAL NO. 13A-UI-02341-WT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FOCUS SERVICES LLC**  
Employer

**OC: 01/27/13**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a fact-finding dated February 22, 2013, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 26, 2013. Claimant participated. Employer participated by Courtney Sowders, Regional Recruiter.

**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 was employed as a part-time agent for the employer. She began in May 2012. She last worked for employer on February 6, 2013. She quit due to intolerable working conditions.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of detrimental or intolerable working conditions.

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 unemployment insurance law allows benefits to workers who quit employment with good cause attributable to their employer and the rules provide that individuals who quit employment due to intolerable or detrimental working conditions are eligible. Iowa Code Section 96.5-1; 871

Iowa Administrative Code section 24.26(4). The terms detrimental and intolerable are not defined in the administrative code, but using their ordinary meaning, a high standard is set. To quit for “detrimental or intolerable” working conditions, the working conditions must amount to a real, substantial and compelling reason that would cause a reasonable person, who genuinely desires to remain employed, to leave work under the same circumstances. A worker has an obligation to attempt to rectify intolerable working conditions and act reasonably prior to quitting.

In this case the record reflects that the claimant acted reasonably in all regards. She had been treated poorly repeatedly by another employee. The employer did not take satisfactory personnel action to protect the claimant. The claimant proved by a preponderance of evidence that the working conditions were detrimental or intolerable.

**DECISION:**

The fact-finding decision dated February 22, 2013, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Joseph L. Walsh  
Administrative Law Judge

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Decision Dated and Mailed

jlw/pjs