

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

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Appeal Number: 06A-UI-02202-SWT
OC: 01/29/06 R: 12
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 13, 2006, reference 01, that concluded she voluntarily left employment without good cause attributable to the employer. A telephone hearing was held on March 13, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Kelly Green participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked full time for the employer from January 9, 1981, to January 25, 2006. Kathy Pulse was the claimant's immediate supervisor at the time her employment ended. The claimant was the lead clerk in the Davenport bakery outlet store for the last two years. She had previously worked in the Rock Island outlet store and enjoyed her work there. She was required to transfer to the Davenport bakery.

The claimant found working conditions in the Davenport store to be intolerable and detrimental to her high blood pressure condition. She experienced stress at work because the other employees assigned to work in the store constantly failed to complete their job tasks and missed work, which caused the claimant to have to perform extra work or work extra days.

When the claimant complained to Pulse, Pulse told her to document what the employees had done. The claimant did not have authority to discipline employees. Pulse had confided to the claimant that she had placed one unsatisfactory employee in the claimant's store with the idea of firing the employee. Despite this, Pulse did not take any effective action to discipline the employee and the problems continued. In fact, on one occasion, when she wrote up the employee for not completing her job duties, Pulse responded, "Did you really think the fucking shit would get done?" The claimant had requested a transfer back to Rock Island but the request was denied. She had also told Pulse she was considering quitting employment because of the stress at work.

When the claimant reported to work on the morning of January 26, 2006, she noticed that none of the work assigned to the employee who had worked the previous shift was done. The claimant had complained to Pulse about this employee repeatedly. She called Pulse and told her that she could not take it anymore, she was going home, and she was done. She quit because her supervisor had done nothing to help her and the problems continued.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

871 IAC 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 evidence establishes the claimant voluntarily quit employment due to intolerable working conditions. These conditions were attributable to the employer because the claimant had taken reasonable steps to get her supervisor to take effective action to remedy the problem but nothing was done.

DECISION:

The unemployment insurance decision dated February 13, 2006, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/kkf