

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIMM J HILL**  
Claimant

**APPEAL NO. 06A-UI-11211-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HOPE HAVEN AREA DEVELOPMENT  
CENTER CORP**  
Employer

**OC: 10/29/06 R: 04  
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated November 17, 2006, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on December 14, 2006. Claimant participated. Employer participated by Dan Smith, Director of Human Resources, Deb Knupp, Director of ICF/MR and Tami Heidelberg, DRTZ Group Home Administrator.

**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 November 2, 2006. Claimant quit due to safety concerns. Claimant had trouble with a combative resident. On October 23, 2006, claimant was pinned to the ground by this resident. Claimant suffered a minor injury as the result of the last assault. Claimant had no immediate assistance available. Claimant had previously complained about this resident and safety concerns. Employer made no changes in procedure over the safety concern.

**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 an intolerable and detrimental work environment. The work environment was dangerous. Employer was clearly informed of the combative resident and the dangers presented. Notwithstanding the warning employer made no effort to improve the safety condition. The lack of proper safety protocol caused claimant injury. It also placed claimant in danger of serious injury. This is a detrimental and intolerable work environment. Benefits allowed.

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.

**DECISION:**

The decision of the representative dated November 17, 2006, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/css