

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LACY J HINGTGEN
Claimant

APPEAL NO. 09A-UI-15607-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KINSETH HOTEL CORPORATION
Employer

OC: 09/13/09
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated October 6, 2009, reference 01, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on November 18, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Justin Dean participated in the hearing on behalf of the employer with witnesses, Laura Cone, Norm Granback, and Debra Pregler.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked part-time as a housekeeper for the employer from July 1, 2009, to August 29, 2009.

The claimant quit her employment after she was ridiculed in front of other staff by her supervisor and was singled out for criticism for minor performance problems. It was to the point where the claimant dreaded coming to work and often was driven to tears by her supervisor's unpleasant treatment of her. She tried to talk to the general manager about this, but her message was not returned.

The claimant filed a new claim for benefits effective September 13, 2009. The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

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:

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 left due to intolerable or detrimental working conditions and tried to correct the problems before leaving. Good cause attributable to the employer has been shown.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

DECISION:

The unemployment insurance decision dated October 6, 2009, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs