

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ARIELLE A SOLOMON**  
Claimant

**APPEAL NO. 09A-UI-17852-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BURGER KING CORPORATION**  
Employer

**Original Claim: 09/27/09  
Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Burger King (employer) appealed a representative's November 18, 2009 decision (reference 02) that concluded Arielle Solomon (claimant) was discharged and there was no evidence of willful or deliberate misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 8, 2010. The claimant participated personally. The employer participated by Suzanne Neun, Restaurant General Manager.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on May 29, 2009, as a full-time hourly shift coordinator. The claimant's coworkers called her names and threatened her. The claimant complained from the beginning of her employment. The issues increased. On September 8, 2009, workers shoved food at the claimant or kept food at a distance causing her to get burned. A worker called her a bitch. The claimant resigned on September 8, 2009, because the environment was still hostile. Continued work was available had the claimant not resigned.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit work with 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 law presumes a claimant has left employment with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The claimant notified the employer of the conditions and the conditions did not change. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits.

**DECISION:**

The representative's November 18, 2009 decision (reference 02) is affirmed. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw