

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MISTY L HANNA**  
Claimant

**BIMBO BAKERIES USA INC**  
Employer

**APPEAL 15A-UI-09551-CL-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/02/15**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the August 21, 2015, (reference 01) unemployment insurance decision that denied benefits based upon a voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on September 9, 2015. Claimant participated. Employer did not participate. Claimant's Exhibit A was received.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a jobber/helper from May 15, 2015, and was separated from employment on August 2, 2015, when she resigned.

On August 2, 2015, third shift supervisor, Nidia, confronted claimant about work issues. Nidia stood closely to claimant and pointed her finger very close to claimant's face. Nidia told claimant she would be watching her, and then kicked a bun at claimant. Claimant was crying as a result of the confrontation. Claimant reported Nidia's conduct to the second shift supervisor, Curtis Woods. Claimant went home early from work and called employer's human resources department and left a message explaining what occurred. Claimant called employer's human resources department twice the next day. Claimant also called employer's corporate human resources department and left a message. Employer did not return any of claimant's phone calls despite its policy on Respect in the Workplace.

Claimant previously reported Nidia to Curtis Woods on July 24, 2015. Claimant reported she felt intimidated by Nidia. Claimant reported that Nidia always assigned her to unfavorable jobs and blamed her for the mess in the workplace even though several other employees were present who could also have performed unfavorable jobs or assisted in cleaning up the mess. Woods took no action in response to claimant's report.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment with good cause attributable to the employer.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.26(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.

Nidia's intimidating conduct toward claimant combined with employer's failure to address the situation created an intolerable work environment for claimant that gave rise to a good-cause reason for leaving the employment.

**DECISION:**

The August 21, 2015, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible and the benefits withheld shall be paid.

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Decision Dated and Mailed

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