

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER D LUCE**

Claimant

**C V K CORPORATION**

**WHYLIE EYE CARE CENTERS**

Employer

**APPEAL NO: 10A-UI-12558-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/25/10**

**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

871 IAC 24.26(4) – Intolerable/Detrimental Working Conditions

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated August 31, 2010, reference 01, that held she voluntarily quit without good cause attributable to her employer on July 22, 2010, and benefits are denied. A telephone hearing was held on October 28, 2010. The claimant participated. The employer did not participate.

**ISSUE:**

Whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds: The claimant worked for the employer as a full-time manager from January 21, 2010 to July 22. The claimant experienced problems with an employee who became insubordinate to the point she was issued a verbal warning. After the incident, the employee retaliated by making complaints to management about the claimant.

The workforce disharmony got to the point that two employees threatened to quit, because of the complaining employee. On July 22, the claimant was preparing for a show and wearing street clothes. The troubled employee complained to management that claimant was not wearing a uniform that caused management to question claimant about the issue. The claimant had been uncomfortable about an employer practice of billing Medicare and Medicaid for a protective lens that was already provided to senior patients. Management told claimant to disregard the matter and do her job. The claimant felt she was working in a hostile work environment and quit her job without notice.

The employer representative was not available when called for the hearing.

**REASONING AND CONCLUSIONS OF LAW:**

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 administrative law judge concludes the claimant voluntarily quit with good cause attributable to her employer due to intolerable and detrimental working conditions on July 22, 2010.

The claimant offered un-refuted testimony that a subordinate employee who she had disciplined cause dissention for her and other employees to the point of creating a hostile work environment. The troubled employee complained to management about the claimant to the point it moved her to quit. Claimant was uncomfortable about a billing practice for charging patients, and she perceived that management was not going to do anything about that or the troubling employee. The fact that other workers threatened to quit is supportive of the hostile work environment.

**DECISION:**

The department decision dated August 31, 2010, reference 01, is reversed. The claimant voluntarily quit with good cause attributable to her employer on July 22, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

---

Randy L. Stephenson  
Administrative Law Judge

---

Decision Dated and Mailed

rls/css