

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**NINA M VONDRAK
30345 GRANITE AVE
HINTON IA 51024-9083**

**KOHN ENTERPRISES INC
INDIAN HILLS TRUE VALUE
2001 RIVERSIDE BLVD
SIOUX CITY IA 51107**

**DAN HARTNET
ATTORNEY AT LAW
PO BOX 27
SIOUX CITY IA 51102**

**Appeal Number: 06A-UI-01876-AT
OC: 01-22-06 R: 01
Claimant: Appellant (2)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Nina M. Vondrak filed a timely appeal from an unemployment insurance decision dated February 8, 2006, reference 02, which disqualified her for benefits. After due notice was issued, a telephone hearing was held March 6, 2006, with Ms. Vondrak participating. Vice President Andy Kohn and Accountant Ted Ball participated for the employer, Kohn Enterprises, Inc., doing business as Indian Hills True Value. This matter is considered on a consolidated record with 06A-UI-01994-AT, 06A-UI-02030-AT, 06A-UI-01873-AT, 06A-UI-01874-AT, and 06A-UI-01875-AT.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Nina M. Vondrak was employed by Kohn Enterprises, Inc., doing business as Indian Hills True Value from May 1, 2004 until she resigned January 24, 2006. On January 23, 2006, Ms. Vondrak along with several other employees were called to a meeting by Vice President Andy Kohn and Accountant Ted Ball of Kohn Enterprises. The meeting lasted for two hours and was marked by repeated profanity by Mr. Ball. Changes in duties were announced at the meeting. Ms. Vondrak would no longer be responsible for scheduling or for bookkeeping. Ms. Vondrak and the other employees were given two minutes to decide if they wished to remain with the company or to resign. Although she did not resign at that time, she did so on the following day.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that Ms. Vondrak left work with good cause attributable to the employer. It does.

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.

An individual may receive unemployment insurance benefits if he or she resigns because of a substantial change in the conditions of employment. See 871 IAC 24.26 (1). An individual may also receive unemployment insurance benefits if the individual resigns because of intolerable or detrimental working conditions. See 871 IAC 24.26 (4).

The record establishes some changes in Ms. Vondrak's duties. They do not appear to rise to the level of a substantial change in the conditions of employment as applied to her. Nevertheless, the nature of the meeting on January 23, 2006, was sufficient to establish intolerable or detrimental working conditions. Benefits are allowed.

DECISION:

The unemployment insurance decision dated February 8, 2006, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

kkf/tjc