

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

THERESA S GOYETTE
Claimant

BENOIT POUPART
Employer

APPEAL 20A-UI-01942-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/02/20
Claimant: Appellant (2)

Iowa Code § 96.5-1 - Voluntary Quit
871 IAC 24.26(4) – Voluntary Quit Due to Intolerable or Detrimental Working Conditions

STATEMENT OF THE CASE:

Theresa Goyette (claimant) appealed a representative's February 20, 2020, decision (reference 01) that concluded ineligibility to receive unemployment insurance benefits due to voluntarily quitting with the Benoit Poupart (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 19, 2020. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

The claimant offered and Exhibit A was received into evidence. The administrative law judge took official notice of the administrative file.

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 considered all of the evidence in the record, finds that: The claimant was hired on December 3, 2018, as a full-time quality coordinator. The employer produced insulation parts for buses. The claimant was designated as the person who handled anything related to quality. She was told that she reported directly to Vice President Bill in Canada. The claimant was afraid of the plant manager because he had a violent temper. She saw him yell, turn red, and throw things. Other employees said they saw him kick items. During her employment one female lead quit and two other female leads stepped down from their positions because of the plant manager. The claimant sent numerous emails to Vice President Bill during her employment letting him know about the plant manager's interactions with her during her employment.

The claimant's lead was female. In December 2018, the plant manager called the lead "young and dumb". In January 2019, the plant manager asked the claimant if she was "fucking stupid". In February 2019, a coworker told the claimant to run as he followed her out of the building. She did not obey him. He said, "What if I had a gun?" The claimant reported it to the plant

manager. Two weeks later the same co-worker said to the claimant, "Some management employees working here should have their throats cut from ear to ear." The claimant reported the statement to a different member of management.

In May 2019, the plant manager told her that everything went through him and not to contact Vice President Bill. In July 2019, the plant manager told the claimant to "get the fuck out" when she happened to be near a conversation he was having with a scheduler. The scheduler did not want the claimant to leave. The plant manager told the claimant, "Get the fuck out before I roll you out."

On July 24, 2019, the plant manager told the claimant he was not going to take her advice and issue disciplinary actions based on a quality issue. He said, "Are you fucking crazy?" The claimant showed the plant manager the employer's policy. The plant manager balled up his fists and his face turned red. In front of other office workers, he yelled at the claimant that quality would not dictate disciplinary actions in his plant. The claimant notified her lead of his actions.

On July 25, 2019, the claimant asked a question about a symbol she did not understand on a document. The plant manager told the claimant to "be quiet." When the claimant tried to talk to him, he yelled, "shut up" at her. The claimant began to have panic attacks and an inability to sleep at night due to her work. She reported the information about the plant manager's conduct to her lead. The claimant started having periods of crying at work.

On September 27 and October 25, 2019, the claimant sought medical treatment and was prescribed medication for anxiety. Her physician advised her to find different employment. The claimant did not immediately stop working because she hoped to find another job.

On December 3, 2019, the claimant overheard the manager and plant engineering manager talking about an email she sent. The engineering manager said, "Why would she ask that?" The plant manager said, "Because she's a fucking idiot." The engineering manager replied "Yeah, fucking stupid."

On December 4, 2019, the claimant sent an email to a Vice President Bill in Canada. She indicated that she would stay until the employer filled her position. He responded that he would come to the plant and talk to her. Vice President Bill arrived on December 11, 2019. He told her that her last day would be on December 31, 2019. After he left, the plant manager told her that her last day would be on December 20, 2019. The claimant was paid holiday pay after her last day.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons 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, regardless of the source of the individual's wage credits:

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.

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). It would be reasonable for the employee to inform the employer about the conditions the employee believes are intolerable or detrimental and to have the employee notify the employer that she intends to quit employment unless the conditions are corrected. This would allow the employer a chance to correct those conditions before a quit would occur. However, the Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. *Hy-vee, Inc. v. Employment Appeal Board and Diyonda L. Avant*, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer of the plant manager's inappropriate conduct and language. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits, provided she meets all the qualifications.

DECISION:

The representative's February 20, 2020, decision (reference 01) is reversed. The claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed, provided claimant is otherwise eligible.



Beth A. Scheetz
Administrative Law Judge

March 31, 2020
Decision Dated and Mailed

bas/scn