

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID J LANDTISER
Claimant

APPEAL NO. 08A-UI-08732-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SWALLOW FABRIC STRUCTURES LLC
OTTUMWA TENT & AWNING**
Employer

OC: 08/31/08 R: 03
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 23, 2008, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 29, 2008. Claimant participated. Employer failed to have their representative available at the time of hearing. Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on September 1, 2008. Claimant quit due to verbal abuse from a supervisor. Claimant tried to resolve the situation with a complaint to no avail. Claimant suffers from a mental health issue which was aggravated by the constant use of the supervisor's profanity toward claimant. The work environment was detrimental to claimant's health.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of verbal abuse which aggravated his mental health illness. This is a detrimental work environment created by employer. Claimant gave the employer a chance to remedy the problem to no avail. As such this is a quit for cause attributable to employer. Benefits allowed.

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.

DECISION:

The decision of the representative dated September 23, 2008, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs