

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

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Appeal Number: 04A-UI-03469-LT  
OC 05-25-04 R 02  
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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the March 19, 2004, reference 05, decision that denied benefits. After due notice was issued, a hearing was held on April 14, 2004. Claimant did participate with Lorna Pollack and Rhonda Pauls. Employer did participate through Mark Fosnaught.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time accounting clerk through February 25, 2004 when she quit. At the end of January 2004 employer had moved her to payroll, where she worked even though she was not comfortable with it, but she accepted it and would ask for help. Rhonda Pauls was fired a week after claimant was moved to payroll, so she could not provide training beyond that,

and claimant's training was limited because she was attempting to train her replacement. When hired, claimant advised employer she had no experience with payroll or time cards.

Reza, owner, yelled at her for making mistakes on February 11 for which she had not been trained. Lorna Pollack and Pauls had both witnessed and had been the recipient of Reza's verbal abuse. On Friday, February 13, claimant complained to Fosnaught that she was considering quitting because she was not properly trained. After Fosnaught met with the owner, she relented.

On February 25 the claimant went to Reza and asked for help with training but was interrupted by a telephone call. She then left the office and met with Fosnaught, who told her that Reza told him to write her up about issues for which she had not been trained. Claimant returned the disciplinary notice to Mark Fosnaught's desk while he was at lunch and clocked out at 1:26 p.m., prior to the end of her shift.

#### REASONING AND CONCLUSIONS OF LAW:

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

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.

An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993).

Claimant had met the requirements of Cobb by attempting to correct the problem of inadequate training without success. An employee should not have to tolerate being verbally berated and reprimanded for errors due to employer's failure to train the employee. The separation was with good cause attributable to the employer, even without raising the medical issues.

#### DECISION:

The March 19, 2004, reference 05, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

dml/b