

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KSEA K PARKER
Claimant

DRM INC
Employer

APPEAL NO. 16A-UI-05447-B2

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/27/16
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 28, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 2, 2016 in person. Claimant participated personally. Employer participated by hearing representative, Lucia Hengen-Reed, and witness, Tasha Webber.

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 July 2, 2015. Claimant quit on July 2, 2015 because claimant had repeatedly gone to her managers with complaints about coworkers' refusal to follow procedures regarding cleaning, prep work and properly executing their duties. As claimant's complaints fell on deaf ears, she eventually became so frustrated that she walked out on her shift.

Claimant worked for employer for nearly 10 years. Claimant worked to train new employees. The new employees wouldn't follow claimant's guidance and do the jobs they were supposed to do. Claimant stated that employees would not properly clean items and would not do the tasks asked of them. Claimant stated that not only coworkers, but also managers had been derelict in their duties. The last shift manager claimant had would leave work for over an hour to make a bank deposit, and would not use proper procedures when aiding other employees in prep work. As an example, on the last day of work, claimant's manager just threw turnovers on a tray to heat up, then didn't follow procedures on applying frosting to those turnovers. Claimant realized that not only would employer's manager ignore claimant's complaints, but he would also not follow the directions for all employees.

Employer stated that all of the managers who oversaw claimant were no longer working for Arby's so they could not testify. Further, employer's witness, the district manager who was in place only a few months before claimant quit, stated that she really didn't have much contact with claimant. Employer's witness stated that claimant didn't have any complaints made to managers in her file. The district manager further stated that the restaurant claimant worked for had not had any health code violations and was successful when employer audited the place on a monthly basis for cleanliness.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

Claimant brought forth specific testimony of her attempts to contact different levels of management and human resources to address problems at work. Not only were her complaints ignored, but claimant was given the name, "the complainer" for her efforts. As employer could provide no specific refutation of the allegations claimant asserted, claimant has substantiated that her quit of her employment was for good cause attributable to employer.

DECISION:

The decision of the representative dated April 28, 2016, reference 01, is reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs