

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NAOMA TRUDNOS
Claimant

RJK INC
Employer

APPEAL 20A-UI-02138-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

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

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 3, 2020 (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on April 22, 2020, at 9:00 a.m. Claimant participated. Employer participated through Michael Thomas, Account Manager. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began her employment with RJK Inc., a temporary employment firm, on September 3, 2019. Claimant's only assignment was as a full-time process operator at GPC. The assignment ended on September 9, 2019 when claimant quit due to the presence of roaches, ants and rats at the place of employment. Roaches were on claimant's clothing and inside claimant's shoes, which resulted in her carrying roaches into her home. Claimant brought the issue to employer's attention on September 3, 2019. Employer did not respond or take any action to correct the issue. Claimant quit her employment on September 9, 2020 because of the pest issue.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit her employment for good cause attributable to employer. Benefits are allowed provided claimant is otherwise eligible.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992). The claimant has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer. Iowa Code § 96.6(2).

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.

Claimant voluntarily quit her employment because roaches at her place of employment were getting on her clothing and in her shoes and she was carrying them into her home as a result. Claimant brought the issue to employer's attention but no remedial measures were taken and the issue went unaddressed. This constitutes an intolerable working condition. Claimant has met her burden of proving good cause attributable to employer. Benefits are allowed provided claimant is otherwise eligible.

DECISION:

The March 3, 2020 (reference 03) unemployment insurance decision is reversed. Claimant quit with good cause attributable to employer. Benefits are allowed provided claimant is otherwise eligible.



Adrienne C. Williamson
Administrative Law Judge
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April 23, 2020
Decision Dated and Mailed

acw/scn