

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TWYLA J KERN
Claimant

APPEAL NO. 14A-UI-11546-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PIZZA HUT

Employer

**OC: 10/05/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 28, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 2, 2014. Claimant participated. Employer participated by Joe Comes. Claimant's 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 October 9, 2014. Claimant quit her job because of alleged harassment from a manager, and threats from the owner.

Claimant contacted owner in mid-September about alleged sexual harassment. Owner conducted an investigation and warned the manager not to engage in inappropriate actions again or he would be fired. When owner was informed of an additional incident subsequent to the warning, he fired the manager. The manager was fired two days before claimant quit.

Claimant stated that the owner had threatened to reduce her hours. Owner denied this. Claimant did not provide any proof of this accusation. Owner was additionally accused by claimant of berating workers. Owner denied this, and stated that he could not get away with those actions when good workers are difficult to find. Claimant then stated that owner did not really yell at them, but seemed like he thought he was better than the employees.

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.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of the alleged harassment of a manager and berating comments by the owner. In regards to the harassment, owner acted in a responsible manner in response to the allegations, and terminated the manager prior to claimant's resignation. Regarding the reduction of hours, no proof was shown of reduced hours. Regarding the berating of employees, claimant herself backtracked on this statement saying that owner didn't really yell at them, but felt he was better than them. This does not constitute good cause for quitting employment.

DECISION:

The decision of the representative dated October 28, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs