

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SILKE T JENNINGS

Claimant

PRECISION RESISTIVE PRODUCTS INC

Employer

APPEAL NO. 17A-UI-09759-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/27/17

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 September 15, 2017, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 10, 2017. Claimant participated. Employer participated by Bob Klein, Jeff Sparrow, Myron Spears and Dennis Peterson. Claimant's Exhibits 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 July 12, 2017. Claimant left on maternity leave after that date and decided to not return to work as a result of the ongoing sexual harassment she'd received from her supervisor.

Claimant stated that her problems began when employer hired a new supervisor over claimant. Soon after the supervisor was hired, he started making inappropriate sexual comments to claimant. The most egregious of the comments was when the supervisor told claimant – who was pregnant at the time – that he and claimant could go ahead and have sex and it wouldn't matter because claimant was already pregnant. Claimant stated, and employer agreed, that claimant went to one of the owners in April, 2017, and stated that she was being harassed by the supervisor. Employer stated that the supervisor was addressed on this matter and told not to act in such a way.

Claimant stated that the supervisor continued to make offensive, sexually tinged statements throughout her pregnancy. Claimant stated that she repeatedly went to the same company co-owner to tell of the ongoing harassment. She stated that the owner told her that she was handling matters correctly and that he would handle the situation. Nothing appeared to be done. (The co-owner stated that he didn't remember claimant coming to him on multiple other occasions with continual complaints about her supervisor's comments).

Claimant never did file a formal, written complaint. Although claimant stated that the co-owner told her that he was the appropriate person with whom to share the information, claimant did not follow the written company policies to report inappropriate activities.

After claimant left, employer moved to terminate the employment of the supervisor for his actions against claimant and other employees.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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.

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 her supervisor was acting in an inappropriate manner to claimant and other co-workers. Although claimant did not go through the steps dictated by company documentation, the claimant kept a co-owner informed as to the ongoing nature of her supervisor's offensive conduct. Although the co-owner did tell others to address the supervisor on the matter, the offensive conduct continued and claimant continued to report it to the co-owner. Under these circumstances, it is reasonable that claimant could not continue to work in this environment.

DECISION:

The decision of the representative dated September 15, 2017, reference 02, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn