

**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**

**ANGELA M STOOKEY  
639 - 16<sup>TH</sup> AVE SW  
CEDAR RAPIDS IA 52404**

**NPC INTERNATIONAL INC  
PIZZA HUT  
C/O JON-JAY ASSOC INC  
PO BOX 182523  
COLUMBUS OH 43218-2523**

**Appeal Number: 05A-UI-01854-MT  
OC: 12/26/04 R: 03  
Claimant: Respondent (1)**

**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, 4<sup>th</sup> 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 Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated February 11, 2005, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 9, 2005. Claimant participated. Employer participated by Heather Wageli, Human Resource Leader, and Kaye Surls, Area General Manager.

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 November 6, 2004. Claimant was a

victim of sexual harassment October 14, 2004. Claimant reported the incident. Remedial action was taken outside of company policy and procedure. After that, claimant was given a really hard time with work. Claimant was not treated properly with respect to work duties and leave time. Work was often not performed, leaving claimant in a difficult situation. Leave requests went unanswered. Requests for help in starting a water heater were ignored. Claimant was yelled at when picking up the checks. The work environment was chilling at best.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant quit for good cause attributable to employer. 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 of retaliatory conduct after making a complaint about harassment. Claimant was the victim of harassment. Employer did take prompt remedial action. No overt harassment occurred after that. However the work environment changed significantly to claimant's detriment. This is an intolerable and detrimental working condition in retaliation for making a complaint of harassment. This is a quit for good cause attributable to employer for a quit. Benefits allowed.

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.

DECISION:

The decision of the representative dated February 11, 2005, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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