

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**DANIELLE R LARSON**  
Claimant

**APPEAL NO. 10A-UI-04231-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COUNCIL BLUFFS COMM SCHOOL DIST**  
Employer

**OC: 02/21/10**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated March 15, 2010, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on May 3, 2010. Claimant participated. Employer participated by Tom Kuiper, Tax Hearing Representative with witness Nichole Smith Human Resource Specialist. Exhibit A and One were 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 February 16, 2010. Claimant quit work because the children she worked with had been kicking her and used profanity toward her. Claimant complained to the Principal about the physical and verbal abuse. The Principal was unable to get claimant a different placement. Claimant could not tolerate the physical abuse which left bruising on her legs. The verbal abuse was just part of the job. Claimant gave employer ample opportunity to provide a harassment free work environment. Claimant also told Human Resources about the abuse at the time of separation to no avail.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence establishes that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of physical abuse. Claimant asked employer for assistance or transfer. The employer had three weeks to accommodate claimant. Nothing was done. At the time of separation claimant told Human Resources and no alternatives were presented. Employer had a duty to provide a safe and harassment free work environment. Employer failed in that burden. 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 March 15, 2010, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

---

Marlon Mormann  
Administrative Law Judge

---

Decision Dated and Mailed

mdm/pjs