

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ARIADNA MORALES**

Claimant

**APPEAL 21A-UI-09658-AR-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NORTHWEST IOWA HOSPITAL CORP**

Employer

**OC: 02/21/21**

**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On April 5, 2021, claimant, Ariadna Morales, filed an appeal from the March 25, 2021, reference 01, unemployment insurance decision that denied benefits based upon the determination that claimant quit her employment with the employer, Northwest Iowa Hospital Corp., without showing good cause for having done so. The parties were properly notified about the hearing held by telephone on June 16, 2021. The claimant participated personally. The employer did not participate.

**ISSUE:**

Did claimant quit her employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed full-time as a phlebotomy supervisor beginning on November 13, 2017, and was separated from employment in late January 2021, when she resigned.

Claimant alleges that, since her promotion to the position of phlebotomy supervisor approximately one year earlier, she had been subjected to objectionable conduct by her supervisor, Director Bobby Hassman. If claimant spoke to a male coworker, Hassman would frequently assert that claimant “liked” the coworker or that she wanted to “sleep with” the coworker. On one occasion, Hassman told claimant that he believed she wanted to rub a male coworker’s back. On another occasion, Hassman had a screenshot of a picture of claimant with her husband, about which Hassman questioned claimant. The picture was not inappropriate and did not associate claimant with the employer. Hassman told claimant another employee had alerted him to the picture. Claimant sometimes told Hassman that his conduct was inappropriate, and one occasion told him he was harassing her. He either ignored claimant’s concerns or denied engaging in harassing conduct, but his conduct did not change. Claimant did not complain about this conduct to anyone but Hassman. She feared Hassman was “untouchable.” On one occasion, claimant attempted to complain, but the HR representative to whom she was speaking, Amy Goss, was not responsive to claimant in a way that made claimant believe her complaint would be well received.

Claimant also never had appropriate systems access for her position. When she attempted to correct the issue with HR, HR would send her to Hassman. When she approached Hassman about the issue, he would send her to HR. She never obtained access required to perform all of her job duties as a supervisor.

Claimant also felt that she was treated differently as compared to white supervisors. She complained about this to Hassman. He assured claimant that she was a supervisor and should be treated as one, and he promised to address the issue. Though he did address the issue, claimant alleges others continued to treat her differently.

Late in her employment, claimant had made a comment to a coworker that she was considering resigning. That coworker relayed this information to Hassman. On claimant's final day of employment, Hassman approached her, yelling, "Why would you do that?" and, "Who do you think you are?" His conduct then escalated and he began cursing at claimant. Claimant told him she did not have to put up with his conduct, and she turned in her badge and left.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant's separation from the employment was without good cause attributable to the employer.

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.

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 has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). 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).

If claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5(1). Intolerable or detrimental working conditions are good cause for quitting attributable to the employer. Iowa Admin. Code r. 871—24.26(4). While a claimant does not have to specifically indicate or announce an intention to quit if her concerns are not addressed by the employer, for a quit to be "attributable to the employer," a claimant faced with working conditions that she

considers intolerable, unlawful or unsafe must normally take the reasonable step of notifying the employer about the unacceptable condition in order to give the employer reasonable opportunity to address her concerns. *Hy-Vee Inc. v. Emp't Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005); *Swanson v. Emp't Appeal Bd.*, 554 N.W.2d 294 (Iowa 1996); *Cobb v. Emp't Appeal Bd.*, 506 N.W.2d 445 (Iowa 1993). If the employer subsequently fails to take effective action to address or resolve the problem it then has made the cause for quitting "attributable to the employer."

Here, claimant has not demonstrated that she made the employer aware of the intolerable conditions. While she credibly alleged that she was subjected to conduct that was harassing in nature, she also admitted that she never made a complaint about the conduct to anyone but the alleged harasser. The employer was not given the opportunity to correct the conduct. Though claimant alleged that she believed Hassman to be "untouchable," she provided no credible explanation for this belief. Additionally, she also alleged that she believed her complaints would not be well received by Goss, but she did not provide a credible explanation for this belief, either. Without notice the employer had no opportunity to take effective action to address or resolve the problem. While claimant's leaving may have been based upon good personal reasons, it was not for a good-cause reason attributable to the employer according to Iowa law. Benefits are denied.

**DECISION:**

The March 25, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.



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Alexis D. Rowe  
Administrative Law Judge

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June 30, 2021  
Decision Dated and Mailed

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