

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

RODNEY F JACKSON
Claimant

APPEAL NO. 18A-UI-08392-TN

**ADMINISTRATIVE LAW JUDGE
DECISION**

IMKO ENTERPRISES INC
Employer

**OC: 07/15/18
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Rodney F. Jackson, the claimant, filed a timely appeal from a representative's unemployment insurance decision dated August 3, 2018, reference 02, which denied unemployment insurance benefits, finding the claimant voluntarily quit work on July 6, 2018 because he did not like the work environment. After due notice was provided, an in-person hearing was held in Sioux City, Iowa, on September 13, 2018. Claimant appeared personally and testified on his own behalf. The employer participated by witness Ms. Heidi Sagert, Office Manager, who participated by telephone.

ISSUE:

The issue is whether claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Rodney Jackson was employed by IMKO Enterprises, Inc. from March 22, 2018 until July 6, 2018, when he quit his job. The claimant verified to the employer his intention to quit on July 9, 2018. Mr. Jackson was assigned by IMKO Enterprises, Inc. to work as a line cook/dishwasher/general cleaner at the Western Iowa Technical College client location. Mr. Jackson worked 21.5 hours per week and was paid by the hour. Mr. Jackson had two supervisors: "Julie" and "Angie" (last names unknown).

Mr. Jackson left his employment with IMKO Enterprises, Inc. after a series of incidents took place that caused Mr. Jackson to believe that he had been subject to bullying and harassing behavior from co-workers. The claimant had reported the conduct of other employees to his immediate supervisors however, no action was taken.

Mr. Jackson had reported to "Julie" and "Angie" that he had been repeatedly questioned and criticized by employees about job tasks and expected to know procedures, although he had not been given any instruction on them. He also reported that co-workers had attempted to order him around, although they had not supervisory authority. Mr. Jackson also complained that he had been confronted by both hourly employees and by management and criticized in the

presence of students and other workers, and this had caused the claimant great embarrassment.

In addition to complaining to his immediate supervisors about the treatment that he was receiving, Mr. Jackson at times, had complained to Ms. Sagert, the office manager. Mr. Jackson did not further complain to Ms. Sagert, because he hoped to continue in the employment and thought at one point that his work issues were improving.

Mr. Jackson became increasingly dissatisfied because both of his immediate supervisors, continued to confront him about mistakes in the presence of other workers and students. The final incident that caused the claimant to leave employment began on July 3, 2018. Mr. Jackson's schedule had been changed and he was required to work that day. The claimant was assigned to work on the facility's dirty dish line where he was subjected to disparaging statements by an employee of the Western Iowa Technical College. Mr. Jackson was also openly criticized by a cashier about the way he had prepared pizza for a student. On July 6, 2018, his last day on the job, Mr. Jackson was verbally compared to a person in the news who had stabbed his children and physically threatened by the same individual.

Mr. Jackson tried to get management to intervene and also attempted to have a support organization intervene for him. The employer was unwilling to provide any information, deeming the information requested confidential. Mr. Jackson left a message on July 6, 2018, stating he was no longer going to be coming to work, and later clarified by telephone that it was his intention to quit.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause attributable to the employer. It does.

Iowa Code section 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.

In general, a voluntary quit requires evidence of intention to sever the employment relationship with an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship as an employee with the employer. See 871 IAC 24.25.

In the case at hand, Mr. Jackson testified that he was subjected to repeated questioning and criticism by hourly employees and management that often took place in the presence of students or other individuals. Claimant asserts that the criticism was not only unjustified, but that it caused him embarrassment on repeated occasions. Mr. Jackson followed a reasonable course of action by complaining about the conduct to management and left employment when the conduct continued. On the final day the claimant was verbally compared to an individual in the news who had stabbed his children and threatened by an employee of the community college with physical violence.

The administrative law judge concludes that a reasonable person would have quit employment under those circumstances, as the working conditions were detrimental. Mr. Jackson is eligible to receive unemployment insurance benefits providing that he meets all other eligibility requirements of Iowa law. Employer's account will be charged for benefits paid to the claimant.

DECISION:

The representative's unemployment insurance decision dated August 3, 2018, reference 02, is reversed. Claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed provided the claimant is otherwise eligible.

Terry P. Nice
Administrative Law Judge

Decision Dated and Mailed

rvs/rvs