

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLY G DREW
Claimant

APPEAL NO. 10A-UI-04718-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TM1 STOP LLC
Employer

**Original Claim: 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 22, 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 11, 2010. Claimant participated. Employer declined to participate. Exhibit One 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 having considered all of the evidence in the record, finds: Claimant last worked for employer on February 14, 2010. Claimant quit because of verbal abuse by his supervisor. Claimant was sworn at and verbally abused repeatedly in front of subordinates. Claimant went to the owner to ask for remedial action. The employer intervened to no avail. Claimant quit because he was called stupid, fucking worthless old man, dumb ass, slacker, and loser. This happened on a daily basis.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of verbal abuse. This is an intolerable and detrimental working condition. Since employer did not take prompt remedial action to resolve the matter, this is a quit for good cause attributable to employer. 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 22, 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/kjw