

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SANDRA D RISIUS**  
Claimant

**APPEAL NO. 08A-UI-09344-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CRINC LC**  
Employer

**OC: 08/03/08 R: 02  
Claimant: Respondent (1)**

Section 96.5-2-a – Discharge

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated October 6, 2008, reference 01, that concluded she voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on October 28, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Julie Hiatt participated in the hearing on behalf of the employer.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant worked part-time for the employer as recycling sorter from 1979 to July 1, 2008. Her job involved sorting cardboard boxes and putting them in the cardboard baler. The employer is a beverage can and bottle recycler.

The claimant quit her employment due to repeated verbal abuse directed at her by the night shift supervisor. The supervisor screamed at her and used profanity toward her. She had complained about her supervisor's conduct to the plant manager. The plant manager talked to the night shift supervisor, but the verbal abuse continued. The supervisor's conduct caused the claimant emotional stress, and she was often brought to tears as a result of the verbal abuse.

On July 1, 2008, the claimant was performing her job sorting boxes. The night supervisor started yelling at the claimant for not paying attention after the glass bottle line jammed. It was unreasonable for the supervisor to get angry and blame the claimant because she had no responsibility for the glass line.

The claimant submitted her resignation on July 2, 2008, due to her supervisor's mistreatment of her.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

Applying these standards, the claimant has demonstrated good cause attributable to the employer for leaving employment. She was subjected to verbal abuse from her supervisor, she complained to upper management, but the abuse continued. This satisfied the intolerable working conditions standard.

**DECISION:**

The unemployment insurance decision dated October 6, 2008, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs