

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANDREA M WOODWARD**  
Claimant

**APPEAL NO: 11A-UI-10055-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOLD BUYERS AT THE MALL LLC**  
Employer

**OC: 06/19/11**  
**Claimant: Respondent (2/R)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's July 25, 2011 determination (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because she quit for reasons that qualify her to receive benefits. The claimant did not respond to the hearing notice or participate in the hearing. Tim Steakman, the chief operating officer, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in November 2010. She worked full time as a general manager.

On March 7, 2011, the claimant informed management that her immediate supervisor was sexually harassing her. Within 24 hours of the claimant's complaint, the employer assigned another person to supervise her and made sure her former supervisor did not have any contact with her. The employer immediately began investigating the claimant's complaint.

On March 11, Steakman talked to the claimant for the third time and she gave him additional information. Based on the March 11 information, the employer had a basis to terminate her former supervisor. Steakman told the claimant he needed to make some calls and would get back to her. Within 20 minutes of his first call, the claimant walked out without telling anyone she was leaving and did not return to work.

The employer terminated the other employee, but the termination was not based on the claimant's harassment complaint. The employer could not verify the claimant's complaint.

The claimant established a claim for benefits during the week of June 19, 2011. She has filed for and received benefits since June 19, 2011.

## REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The claimant quit when she walked out and did not return to work on March 11, 2011. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code § 96.6(2).

The claimant may have had personal reasons for walking off the job on March 11, but the facts do not establish she quit for reasons that qualify her to receive benefits. After the claimant reported the problems she had with her supervisor, the employer immediately changed her supervisor and tried to make the claimant feel as comfortable as possible. The employer started investigating her complaint immediately. Although the employer ultimately terminated her former supervisor, the discharge was not for harassing the claimant. The employer could not substantiate the claimant's complaint.

Since the employer assigned another supervisor to the claimant, took immediate steps to investigate the claimant's complaint and ultimately discharged her former supervisor, the facts do not establish that the claimant quit for reasons that qualify her to receive benefits. 871 IAC 24.26(4). As of June 19, 2011, the claimant is not qualified to receive benefits.

An issue of overpayment or whether the claimant is eligible for a waiver of overpayment for benefits she has received since June 19, 2011, will be remanded to the Claims Section to determine.

## DECISION:

The representative's July 25, 2011 determination (reference 01) is reversed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of June 19, 2011. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. An issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css