

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRYAN M INGRAM
Claimant

WELLS FARGO BANK NA
Employer

APPEAL 20A-UI-00156-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/08/19
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code 871-24.26(4) – Intolerable Work Conditions

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated December 24, 2019, (reference 01) that held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 27, 2020. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

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 considered all of the evidence in the record, finds: Claimant gave employer his notice of resignation on September 6, 2019. Claimant last worked for employer on December 5, 2019.

Claimant began working for employer as a full-time staff attorney on November 1, 2017. In April, 2018 claimant sought medical treatment for an illness. Claimant's physician recommended that claimant work remotely from home as part of his treatment. Claimant shared his doctor's recommendations with employer, and his request was granted in April, 2018.

A new manager was assigned to claimant's department in July, 2018. Claimant explained his work accommodations to his new manager. His new manager did not agree with those accommodations, and claimant was no longer allowed to work remotely after that date. In January, 2019 another manager was hired to replace claimant's manager. Claimant renewed his request to work remotely to his new manager. That request was also denied.

On May 20, 2019 claimant became ill and he requested a medical leave of absence. Claimant returned to work on May 29, 2019. Claimant's work assignment changed when he returned to work on that date. Claimant was assigned to a new team, and his duties changed.

In August, 2019 claimant's work environment had become acutely intolerable. On August 7, 2019 claimant was given a work assignment which was impossible to complete. Claimant was assigned to read and re-write a 300 page legal treatise in one day. Claimant was not able to complete the task, and he began feeling overwhelmed, ill, and extremely stressed out at work. Claimant filed a complaint with his human resources office on August 23, 2019. Claimant requested to meet with a human resources officer in private without his legal team being involved in the meeting. Claimant's request was denied. Claimant was never given a chance to fully explain the systematic discrimination he had experienced to the human resources office.

Claimant met with his manager on September 4, 2019. Claimant was told that his requests for accommodations, and his request to perform the duties he agreed to perform at the time of hire were denied. Claimant was told that if he did not agree with those conditions than he could quit his job. Claimant submitted his resignation on September 6, 2019.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because his work environment had become intolerable.

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.

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.

Iowa Admin. Code r. 871-24.26(3) 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:

- (3) The claimant left due to unlawful 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). 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).

Individuals who leave their employment due to disparate treatment are considered to have left work due to intolerable or detrimental working conditions and their leaving is deemed to be for good cause attributable to the employer. The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Dep't of Job Serv.*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Emp't Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

A notice of an intent to quit had been required by *Cobb v. Emp't Appeal Bd.*, 506 N.W.2d 445, 447-78 (Iowa 1993), *Suluki v. Emp't Appeal Bd.*, 503 N.W.2d 402, 405 (Iowa 1993), and *Swanson v. Emp't Appeal Bd.*, 554 N.W.2d 294, 296 (Iowa Ct. App. 1996). Those cases required an employee to give an employer notice of intent to quit, thus giving the employer an

opportunity to cure working conditions. However, in 1995, the Iowa Administrative Code was amended to include an intent-to-quit requirement. The requirement was only added to rule 871-24.26(6)(b), the provision addressing work-related health problems. No intent-to-quit requirement was added to rule 871-24.26(4), the intolerable working conditions provision. Our supreme court concluded that, because the intent-to-quit requirement was added to Iowa Admin. Code r. 871-24.26(6)(b) but not 871-24.26(4), notice of intent to quit is not required for intolerable working conditions. *Hy-Vee, Inc. v. Emp't Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

Employer would not accommodate claimant's medical restrictions, and it had no articulable reason for not doing so. Employer intentionally gave claimant work assignments that were impossible to complete, and then claimant would receive reprimands and changes to his work assignments as a consequence. It was obvious to claimant that employer did not want him to continue working there, and it would not allow him to be part of a team. Claimant left the employment because his work environment was intolerable, his separation from employment was for a good-cause reason attributable to the employer. Benefits are allowed.

DECISION:

The decision of the representative dated December 24, 2019, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Duane L. Golden
Administrative Law Judge

Decision Dated and Mailed

dlg/scn