

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TERESA L DAVIS

Claimant

APPEAL NO. 09A-UI-03723-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC

Employer

OC: 03/02/08

Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated February 25, 2009, reference 03, that concluded she voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on April 3, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Tina Wright. David Dickey 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 employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer on an assignment at CanTwo Food Brokerage from September 2008 to January 7, 2009. Her supervisor at CanTwo Food Brokerage was Elizabeth Klingman. She was hired as office manager, but Klingman later told the claimant that she did not want an office manager and changed her job duties.

The claimant left her assignment on January 7, 2009, after Klingman falsely accused her in a loud demeaning fashion of neglecting to complete work going back to October 2008. She found working conditions intolerable due to the constant stress caused by Klingman and a coworker. Klingman was demanding and gave the claimant inconsistent communication about what Klingman wanted her to do. She would give the claimant work to perform and later criticize her about not working on something else.

The claimant had complained to the employer about Klingman's treatment of her and the stressful conditions at work, but the employer did not take any effective action to resolve her concerns. After she left the assignment, she contacted the employer and asked to be assigned to a different client business. She was not assigned because she had walked off the job and the employer had to determine what had happened between the claimant and Klingman. The employer did not offer the claimant another assignment.

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.

The unemployment insurance rules states that a person who leaves employment due to intolerable or detrimental working conditions has quit with good cause attributable to the employer. 871 IAC 24.26(4).

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The evidence establishes the claimant was working in intolerable and detrimental working conditions based on the way she was treated by Klingman. She complained to the employer about the treatment but nothing was done to correct the situation and the intolerable treatment continued. She had good cause to quit.

DECISION:

The unemployment insurance decision dated February 25, 2009, reference 03, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css