

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSE E ENRIQUEZ

Claimant

APPEAL NO. 11A-UI-01856-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACOBSON STAFFING

Employer

OC: 04/18/10

Claimant: Respondent (1/R)

Iowa Code § 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed a representative's February 7, 2011 determination (reference 07) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit his employment for reasons that qualify him to receive benefits. The claimant participated in the hearing. Bert Shinbori, the operations manager for Jacobson Staffing, appeared on the employer's behalf.

The parties agreed the claimant worked for Jacobson Staffing, not Jacobson Transportation Co. Inc. as indicated on the determination. This means the employer's account number must be changed. For this reason, this case will be remanded to the Claims Section to correct the employer's name and the account number.

Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant registered to work for the employer in late May 2010. The employer assigned him to a job in early June 2010. Bob was the employer's contact person for the claimant. The one time Bob responded to a question the claimant asked about check fees, Bob was rude to the claimant. When the claimant left messages about issues he had with the client, Bob did not return the claimant's calls.

A supervisor at the job assignment called the claimant stupid and made racial slurs directed toward the claimant. This supervisor was not the claimant's immediate supervisor, but he had the authority to direct the claimant to do certain tasks. The claimant reported this supervisor's behavior to the employer by leaving a message for Bob, but Bob did not return the claimant's phone calls.

On July 12, 2010, around 6 a.m. before production started, this supervisor asked the claimant and his partner to sort parts from one bin into another bin. The supervisor asked the claimant if he knew how to fill out paperwork. But then said, "I don't expect you to know much, you're stupid." When the

claimant and his partner finished, the supervisor told the claimant that he was stupid and should not be working there. After the claimant's partner explained that he had completed the paperwork, the supervisor told him that he was stupid also.

The claimant was frustrated and tired of the supervisor's condescending behavior and disrespectful attitude. The claimant told the supervisor that he did not need this, he was a veteran and was done. The claimant then told the supervisor that he was stupid and used profanity when telling the supervisor to screw himself. The claimant started to walk out but the client would not allow the claimant to walk off and instead physically took him to go to the office. The claimant again informed the client he was done. The claimant contacted the employer almost immediately after he left the client's facility.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2). The law presumes a claimant quits with good cause when he leaves because of intolerable working conditions. 871 IAC 24.26(4).

The facts establish the claimant reported problems with one of the client's supervisors when he made racial slurs directed toward the claimant and demeaned the claimant by calling him stupid. The employer's representative, who the claimant reported these problems to, did not respond to the claimant's messages and there is no evidence he addressed these issues with the client. Even if the employer's representatives addressed the claimant's concerns with the client, the supervisor continued to make derogatory remarks and treated the claimant disrespectfully. For unemployment insurance purposes, the claimant quit this employment for reasons that qualify him to receive benefits. As of July 11, 2010, the claimant remains qualified to receive benefits.

This matter is remanded to the Claims Section to correct the employer from Jacobson Transportation Co., Inc. to Jacobson Staffing and to correct the employer's account number for reference 07.

DECISION:

The representative's February 7, 2011 determination (reference 07) is affirmed. The claimant voluntarily quit his employment on July 12, 2010 for reasons that qualify him to receive benefits. As of July 11, 2010, the claimant remains qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account will not be charged. This matter is **Remanded** to the Claims Section to correct the employer that the claimant worked for. The claimant worked for Jacobson Staffing and not Jacobson Transportation Co., Inc. The Claims Section is also directed to correct the employer's account number in accordance with this decision.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw