

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LORI J WAGNER**  
Claimant

**APPEAL NO. 13A-UI-06171-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLGENCORP LLC**  
Employer

**OC: 04/28/13**  
**Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated May 15, 2013, reference 01, which denied unemployment insurance benefits finding that she voluntarily left employment without good cause. After due notice was provided, a telephone hearing was held on July 2, 2013. The claimant participated. Although duly notified, the employer did not respond to the notice of hearing and did not participate.

**ISSUE:**

At issue is whether the claimant left employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Lori Wagner was employed by Dolgencorp, LLC from July 7, 2005 until March 20, 2013 when she left employment. Ms. Wagner was employed as a part-time lead clerk and was paid by the hour. Her immediate supervisor was Traci (last name unknown).

Ms. Wagner left her employment with the captioned company on March 20, 2013 after she concluded that she was being treated inappropriately by a temporary manager assigned to the store.

The temporary manager had directed inappropriate and demeaning language to the claimant in the presence of other workers and the public on numerous occasions and Ms. Wagner had reported the mistreatment to the company's district manager. When the temporary manager continued to make inappropriate remarks and demeaning comments and no action had been taken by the employer to remedy the situation, Ms. Wagner left her employment. The temporary manager had most recently changed Ms. Wagner's schedule without notice to the claimant and had embarrassed Ms. Wagner when she attempted to report without knowledge that the manager had changed the schedule.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the claimant left employment with 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reason for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). Claimants are not required to give notice of intention to quit due to intolerable or detrimental working environments if the employer had or should have had reasonable knowledge of the condition. Hy-Vee v. Employment Appeal Board, 710 N.W.2d 1 (Iowa 2005).

The evidence in the record establishes that Ms. Wagner was subjected to unreasonable and intolerable working conditions by a temporary manager and that the claimant had taken reasonable steps to give notice to the employer of the reason for quitting in order to give the employer an opportunity to address or resolve the complaint. When Ms. Wagner reasonably concluded that no action was being taken and the intolerable treatment continued, she left employment with good cause that was attributable to the employer. Unemployment insurance benefits are allowed providing the claimant is otherwise eligible.

**DECISION:**

The representative's decision dated May 15, 2013, reference 01, is reversed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, providing the claimant meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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