

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PEGGY L MATHENIA**  
Claimant

**APPEAL NO. 12A-UI-05518-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLLAR GENERAL**  
Employer

**OC: 04/15/12**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Dollar General filed a timely appeal from a representative's decision dated May 3, 2012, reference 01, which held the claimant eligible to receive unemployment insurance benefits. After due notice, a telephone hearing was held on June 5, 2012. The claimant participated. The employer participated by Ms. Jackie Bertstrom, store manager.

**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: Peggy Mathenia was employed by Dollar General from July 15, 2011, until March 24, 2012, when she voluntarily left employment. Ms. Mathenia worked as a part-time sales associate and was paid by the hour. Her immediate supervisor was Jackie Bertstrom.

Ms. Mathenia left her employment on March 24, 2012, after being issued an additional reprimand for a cash discrepancy. Previous cash discrepancies had been determined to be unfounded. Ms. Mathenia was also dissatisfied because of what she reasonably considered ongoing sexual harassment by an assistant manager and because the assistant manager had often required the claimant to violate medical limitations that had been imposed on the claimant because of a workers' compensation injury.

Prior to leaving employment, Ms. Mathenia had complained not only to the store manager but to the company's district manager and to the corporate office. When conditions had not changed, Ms. Mathenia left her employment with the company.

**REASONING AND CONCLUSIONS OF LAW:**

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.

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment with good cause attributable to the employer.

An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. See Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). An individual who receives reasonable expectation of assistance from the employer after complaining about working conditions must complain further if the conditions persist in order to preserve eligibility for benefits. See Polley v. Gopher Bearing Company, 478 N.W.2d 775 (Minn. App. 1991). Claimants are not required to give notice of intention to quit due to intolerable or detrimental working conditions if the employer had or should have had reasonable knowledge of the condition. See Hy-Vee, Inc. v. Employment Appeal Board, 710 N.W.2d 1 (Iowa 2005).

Inasmuch as the evidence in the record establishes that Ms. Mathenia made repeated complaints to the company management about unacceptable practices of an assistant manager and no change was forthcoming from company management, the administrative law judge concludes the claimant left employment with good cause attributable to the employer. The final incident took place when the claimant was issued as reprimand for a cash shortage the claimant felt was unjustified. A number of previous cash shortages had later been determined to be unfounded.

**DECISION:**

The representative's decision dated May 3, 2012, reference 01, is affirmed. The claimant left employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

kjw/kjw