

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JODI L BURTCHETT**  
Claimant

**PILOT TRAVEL CENTERS LLC**  
Employer

**APPEAL 21A-UI-17140-DG-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/18/21**  
**Claimant: Respondent (1)**

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

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated July 27, 2021, (reference 01) that held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 19, 2021. Claimant participated. Employer participated by Amberlee Bard, General Manager. The administrative law judge took official notice of the administrative record including the fact-finding documents.

**ISSUES:**

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 last worked for employer on July 27, 2020. Claimant left work on that date because her work environment had become intolerable.

Claimant began working for employer on June 6, 2015. Claimant was employed as an assistant manager on the date of the separation.

Beginning in late June of 2020 claimant felt traumatized at work because of yelling, and threats of violence from her manager. Claimant tried to avoid interactions with him, but the yelling, cussing, and threats continued throughout July 2020. Claimant tried to report what she had observed to a regional manager sometime in late July 2020 but her reports went unanswered by employer.

Claimant decided that she had to leave the employment on July 27, 2020 because her work environment had become toxic, and intolerable. Claimant left the employment on that date.

## 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 her 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.

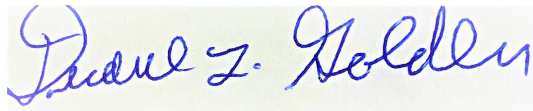
A notice of an intent to quit had been required by *Cobb v. Emp't Appeal Bd.*, 506 N.W.2d 445, 447-78 (Iowa 1993), *Suluki v. Emp't Appeal Bd.*, 503 N.W.2d 402, 405 (Iowa 1993), and *Swanson v. Emp't Appeal Bd.*, 554 N.W.2d 294, 296 (Iowa Ct. App. 1996). Those cases required an employee to give an employer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

Claimant's left the employment because her work environment was intolerable, her separation from employment was for a good-cause reason attributable to the employer. Benefits are allowed.

**Note to Claimant:** This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final, or if you are not eligible for PUA, you may have an overpayment of benefits.

**DECISION:**

The decision of the representative dated July 27, 2021, (reference 01) is affirmed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.



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Duane L. Golden  
Administrative Law Judge

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November 8, 2021  
Decision Dated and Mailed

dlg/kmj