

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AARON L REYNOLDS
Claimant

APPEAL NO. 07A-UI-01464-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PRIME TIME SPORTS BAR &
RESTAURANT INC**
Employer

**OC: 01/07/07 R: 03
Claimant: Respondent (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Prime Time Sports Bar & Restaurant, Inc. filed an appeal from a representative's decision dated February 1, 2007, reference 02, which held that no disqualification would be imposed regarding Aaron Reynolds' separation from employment. After due notice was issued, a hearing was held by telephone on February 26, 2007. Mr. Reynolds participated personally and Exhibit A was admitted on his behalf. The employer participated by Kelli Davis, Manager, and Jenny Bartels, Former Manager. The hearing was recessed to allow the parties an opportunity to submit additional documentary evidence. The hearing reconvened on April 13, 2007. Mr. Reynolds participated personally and Exhibit B was admitted on his behalf. The employer participated by Kelli Davis.

ISSUE:

At issue in this matter is whether Mr. Reynolds was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Reynolds was employed by Prime Time from February until September 6, 2006 as a cook. He worked from 25 to 35 hours each week. He called on September 4 to advise that he would be absent for a few days due to his illness and that of his son. Chris Bartels was required to fill in for Mr. Reynolds during the period of absence. During the absence, Mr. Bartels telephoned Mr. Reynolds and asked when he was coming back and told him to quit calling in sick. Mr. Bartels then threatened physical harm to Mr. Reynolds. As a result of the threat, Mr. Reynolds notified the employer on September 6 that he would not be returning to the employment.

REASONING AND CONCLUSIONS OF LAW:

An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code

section 96.5(1). Mr. Reynolds quit after a coworker threatened physical harm against him. The threat from Mr. Bartels was apparently due to the fact that he had to fill in for Mr. Reynolds while he was gone due to illness. The employer did not offer any evidence to refute Mr. Reynolds' allegation of a threat. Mr. Bartels was not offered as a witness during the hearing of April 13 in spite of the fact that the employer knew from the hearing of February 26 that Mr. Reynolds was alleging a threat from Mr. Bartels. The employer did not provide any evidence that there were no calls placed to Mr. Reynolds from Mr. Bartels' cell phone.

The employer never advised Mr. Reynolds that steps had been taken to deal with Mr. Bartels' threat against him. Therefore, he had no reason to believe the problem had been remedied. The employer's failure to assure Mr. Reynolds of a safe work environment constituted good cause attributable to the employer for quitting. As such, benefits are allowed.

DECISION:

The representative's decision dated February 1, 2007, reference 02, is hereby affirmed. Mr. Reynolds left his employment with Prime Time for good cause attributable to the employer. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs