

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAREN S FURNALD
Claimant

APPEAL NO. 13O-UI-05632-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREAT RIVER MEDICAL CENTER
Employer

OC: 01/27/13
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Karen Furnald (claimant) appealed a representative's February 26, 2013 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Great River Medical Center (employer). This administrative law judge issued a decision on March 29, 2013, affirming the representative's decision. A decision of remand was issued by the Employment Appeal Board on May 9, 2013. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 25, 2013. The claimant participated personally. The employer participated by Rob Hobbs, Laundry Supervisor; Laura Bailey, Human Resources Generalist; and Jacob Schnedler, Assistant Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on November 10, 2009, as a full-time work laundry/pre-pack laundry. The claimant worked with women who wanted someone else hired when the claimant was hired and never accepted the claimant. The women did not talk to her but talked about her. They ran the laundry cart into the claimant and threw linens in her face. The claimant complained to the laundry supervisor repeatedly. The women wanted the claimant to quit work. The claimant saw a physician for stress issues. Her hair was falling out, she suffered from a rash, and she was crying a lot. The doctor did not advise her to quit work.

In late December 2012, the laundry supervisor changed the claimant's job so that she was not working so much with the women. After a week the women complained and the laundry supervisor placed the claimant back into the rotation with the women. On January 4, 2013, the claimant gave her two-week notice of resignation. The claimant worked through January 18, 2013. Continued work was available had the claimant not resigned.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant voluntarily quit work 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 law presumes a claimant has left employment with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). It would be reasonable for the employee to inform the employer about the conditions the employee believes are intolerable or detrimental and to have the employee notify the employer that she intends to quit employment unless the conditions are corrected. This would allow the employer a chance to correct those conditions before a quit would occur. However, the Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. Hy-Vee, Inc. v. Employment Appeal Board and Diyonda L. Avant, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant repeatedly notified the employer of the intolerable conditions. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's February 26, 2013 decision (reference 01) is reversed. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css