

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**RHONDA K PRASCH
18141 – 15TH ST
DRAKESVILLE IA 52552**

**PELLA CORPORATION
c/o TALX EMPLOYER SERVICES
PO BOX 1160
COLUMBUS OH 43216-1160**

**Appeal Number: 05A-UI-12043-CT
OC: 02/13/05 R: 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Rhonda Prash filed an appeal from a representative's decision dated November 21, 2005, reference 05, which denied benefits based on her separation from Pella Corporation. After due notice was issued, a hearing was held by telephone on December 14, 2005. Ms. Prash participated personally. The employer participated by Bill Lehner, Human Resources Representative; Mark Zuck, Manufacturing Manager; and Chad Wittmer, Production Manager. Exhibits One through Four were admitted on the employer's behalf. The employer was represented by Richard Carter of TALX Employer Services.

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: Ms. Prasch began working for Pella Corporation on April 18, 2005 as a full-time assembler. On October 29, she submitted a written resignation and followed up with a confirmation call on October 31. She cited "hostile work environment, threat of physical injury, constant harassment and threats of bombings and shootings" as the basis for her decision to quit.

Ms. Prasch was having problems with two of her coworkers, Temple and Destiny. Destiny threatened to kick her ass on one occasion and the matter was reported to the supervisor, who spoke to Destiny. Another employee, Ryan, would sometimes throw tools and threaten to bomb or shoot people. He was discharged from the employment in July of 2005. There was at least one employee in Ms. Prasch's area who "mooned" others at work. While he was doing so, there were females who were "bumping and grinding" with him. The only matter Ms. Prasch had addressed with the human resources department was the supervisor's misrepresentation as to when she would become a full-time employee.

Upon receipt of Ms. Prasch's resignation, Bill Lehner, a human resources representative, contacted her for further information. Ms. Prasch declined to provide him with full particulars at that time. The employer engaged an outside attorney to conduct an investigation of the allegations made by Ms. Prasch. Ms. Prasch met with the attorney on November 10. At that time, she was advised that a letter had been sent to her offering to return her to the employment. It was the employer's intent to move her to a different manufacturing area and to work with her on finding a suitable placement and shift. The employer's letter of November 2 was not received by Ms. Prasch. She did not follow-up with the employer based on information provided to her by the attorney investigating the matter.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Prasch was separated from employment for any disqualifying reason. 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). Ms. Prasch cited a number of matters as contributing to her decision to quit. The individual who was threatening to bomb or shoot people had been discharged in July and was not, therefore, a continuing threat to Ms. Prasch when she quit in October. Although she went to human resources when she felt she had been misled as to when she would become full-time, Ms. Prasch did not advise human resources that she was experiencing other problems at work. If her supervisors were not being responsive to her complaints, she had an obligation to bring her concerns to someone higher up the chain of command. Ms. Prasch did not do so.

After Ms. Prasch announced her decision to quit, the employer was willing to work with her to bring her back to the employment in a work environment she felt comfortable in. She was aware that the employer was conducting an investigation of her complaints. She also believed that discharges and other disciplinary actions had occurred as a result of the investigation. This should have been sufficient to put Ms. Prasch on notice that the employer considered her concerns serious and would not tolerate the conduct she complained of. The employer was under no obligation to try to reinstate the employment after Ms. Prasch quit without first giving the employer an opportunity to correct the problems that were causing her to quit. The employer made an immediate and good-faith effort to return Ms. Prasch to employment and to

assure her of a future work environment that would be free from harassment and retaliation. Although she may not have received the letter of November 2, she was aware of the employer's intentions through speaking with the attorney conducting the interview. Ms. Prasch did not follow up with the employer to see what was available.

The administrative law judge is not inclined to conclude that an individual has good cause attributable to the employer for quitting where the employer stands ready to rectify the situation that caused the quit. For the reasons stated herein, it is concluded that Ms. Prasch did not have good cause attributable to Pella Corporation for quitting. Accordingly, benefits are denied.

DECISION:

The representative's decision dated November 21, 2005, reference 05, is hereby affirmed. Ms. Prasch voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kjw