

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**THOMAS J SCHIEBEL**  
Claimant

**APPEAL NO. 12A-UI-07505-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**OC: 05/20/12**  
**Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated June 14, 2012, reference 03, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on July 18, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Denzel Strickland. Steve Widler participated in the hearing on behalf of the employer.

**ISSUE:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?

**FINDINGS OF FACT:**

The claimant worked full-time for the employer in the load-out area of the warehouse from October 9, 2007, to April 16, 2012. The claimant's primary supervisor was the assistant warehouse supervisor, Tim Milder.

The claimant voluntarily quit employment effective April 16, 2012, because (1) he could no longer tolerate the hostile treatment he received from Milder, and (2) he was overwhelmed by the volume of work he was required to perform due to problems with constant understaffing.

Milder regularly yelled at the claimant and directed verbal abuse toward him. Once when the claimant was off work due to family health problems, Milder told him to "man up and grow a pair." He constantly belittled the claimant and criticized him. The claimant had complained to the warehouse manager and human resources about Milder, but Milder continued his insulting conduct toward the claimant so he decided to quit. Although the claimant later obtained another job, he did not leave employment to accept the other job.

**REASONING AND CONCLUSIONS OF LAW:**

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

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 preponderance of the evidence establishes the claimant was subjected to intolerable working conditions in the form of his supervisor's constant yelling and use of insulting language. The claimant complained about the supervisor, but no effective action was taken to correct the situation and the problems continued. Good cause attributable to the employer for quitting employment has been shown.

**DECISION:**

The unemployment insurance decision dated June 14, 2012, reference 03, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw