

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIEL R CORWIN**  
Claimant

**APPEAL NO. 10A-UI-05467-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JIM HUNDLEY HEATING & AC INC**  
Employer

**Original Claim: 03/07/10  
Claimant: Appellant (2/R)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Daniel Corwin (claimant) appealed a representative's March 31, 2010 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he voluntarily quit work with Jim Hundley Heating & AC (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 27, 2010. The claimant participated personally. The employer participated by Jim Hundley, Owner.

**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 having considered all of the evidence in the record, finds that: The claimant was hired on September 18, 2006, as a full-time salesman and coordinator. A coworker was hostile to the claimant and the claimant complained to the employer. The coworker was reprimanded repeatedly for anger issues. On March 10, 2010, the coworker yelled, swore, and called the claimant names. The claimant quit. Continued work was available had the claimant not resigned. The claimant became self-employed at the beginning of April 2010.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, 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 he quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). 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 notified the employer of the intolerable conditions. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits.

The issue of whether the claimant is able and available for work due to self-employment is remanded for determination.

**DECISION:**

The representative's March 31, 2010 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. The issue of whether the claimant is able and available for work due to self-employment is remanded for determination.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw