

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLY J CULP
Claimant

APPEAL NO. 10A-UI-03706-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JELD-WEN INC
Employer

**Original Claim: 01/03/10
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Kelly Culp filed an appeal from a representative's decision dated March 2, 2010, reference 01, which denied benefits based on her separation from JELD-WEN, Inc. After due notice was issued, a hearing was held by telephone on April 19, 2010. Ms. Culp participated personally. The employer participated by Nicole Smith, Human Resources Manager.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Culp was employed by JELD-WEN, Inc. from March 31, 2008 until August 20, 2009. She was last employed full-time in the screw and seal department. On July 22, 2009, she made a verbal complaint to the human resources department regarding the treatment she received from her supervisor, Chad Rose. Her last day at work was July 23.

Mr. Rose became Ms. Culp's supervisor in May of 2008 and she began experiencing problems with him in March of 2009. She did not make any complaint until that in July of 2009. She complained that Mr. Rose yelled and swore at her and called her inappropriate names. She indicated in a later conversation with the employer that Mr. Rose and another supervisor had made disparaging remarks about her in the presence of her son, also an employee of JELD-WEN, Inc. The employer conducted an investigation but was unable to substantiate any of her allegations, including those she indicated had been made in front of her son. She was notified of the employer's findings in a letter dated August 13. She was, however, offered the opportunity to switch to a different shift in the same department.

Ms. Culp had been working on the 11:00 p.m.-to-7:00 a.m. shift. The employer offered her the opportunity to work the 7:00 a.m.-to-3:00 p.m. shift. She would not have been working under the same supervisor. She notified the employer on August 20 that she would not be returning to the employment. Continued work would have been available if she had not quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily 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. Culp contended that she quit because of harassment from her supervisor. An employer's failure to correct such behavior on the part of a supervisor would constitute good cause attributable to the employer for quitting. The employer investigated Ms. Culp's complaint against her supervisor but was unable to find anyone who would corroborate her allegations. It would be unreasonable to expect the employer to take disciplinary action against the supervisor when it could not establish a factual basis for doing so.

The employer's decision to offer Ms. Culp the opportunity to change shifts was a reasonable resolution to the problem presented. Although there was no justification for disciplining the supervisor, the employer was willing to place Ms. Culp in a working situation in which she might feel more comfortable, where she would not have to work with the same supervisor she complained about. Ms. Culp was unwilling to even try the new shift to see if problems would continue. Inasmuch as the employer offered a reasonable solution to the problem that was causing her to quit, it is concluded that her separation was not for good cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated March 2, 2010, reference 01, is hereby affirmed. Ms. Culp voluntarily quit her employment without good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw