

**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**

**Appeal Number: 05A-UI-07676-S2T
OC: 06/27/04 R: 02
Claimant: Appellant (1)**

**CYNTHIA M CARLSON
604 – 2ND ST
CHARLES CITY IA 50616**

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.

**AADG INC
CURRIES-GRAHAM
PO BOX 1648
MASON CITY IA 50402-1648**

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.

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(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Cynthia Carlson (claimant) appealed a representative's July 20, 2005 decision (reference 06) that concluded she was not eligible to receive unemployment insurance benefits because she had voluntarily quit employment with AADG (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 29, 2005. The claimant was represented by Jackie Armstrong, Attorney at Law, and participated personally. The employer was represented by Jay Shriver, Attorney at Law, and participated by Mark Evers, Director of Human Resources; Kathy Schmaltz, Employee Relations Assistant; and Jeff Neuwohner, Safety Manager. The employer offered one exhibit which was marked for identification as Exhibit One. Exhibit One was received into evidence.

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 June 21, 2004, as a full-time installer. The employer was having problems with drug activity in the workplace. The claimant felt harassed by a male former co-worker in the parking lot while taking a smoking break. On May 27, 2005, she reported this to the employer. She said the male had bothered her before but she did not want help getting to her car in the parking lot after work. The employer heard nothing more from the claimant regarding this former employee.

On or about June 1, 2005, a female co-worker threatened the claimant. On June 2, 2005, the claimant left a telephone message for the employer saying she felt threatened. She did not appear for work that day or after that day. The employer attempted to contact the claimant but was unable to reach the claimant because the employer was using an old telephone number and an old address.

On June 21, 2005, the employer found the correct telephone number and called the claimant. The employer arranged a meeting with the claimant on June 23, 2005, to discuss her employment issues. The claimant called before the meeting and cancelled because her attorney could not attend. She did not attempt to reschedule the meeting. The employer sent the claimant a letter on June 29, 2005, but the claimant did not respond.

The employer considered the claimant to have quit work on June 2, 2005. Continued work was available to the claimant had she not resigned.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant voluntarily quit without good cause attributable to the employer. For the following reasons the administrative law judge concludes she did.

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). In order to show good cause for leaving employment based on intolerable or detrimental working conditions, an employee is required to take the reasonable step of informing the employer about the conditions the employee believes are intolerable or detrimental and that she intends to quit employment unless the conditions are corrected. The employer must be allowed a chance to correct those

conditions before the employee takes the drastic step of quitting employment. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). The claimant did not fully inform the employer of the working conditions. She never indicated that she intended to quit if the conditions were not corrected. Due to the claimant's failure to give the employer notice, there cannot be a finding that she left work with good cause attributable to the employer and, therefore, the claimant is not eligible to receive unemployment insurance benefits.

DECISION:

The representative's July 20, 2005 decision (reference 06) is affirmed. The claimant voluntarily left work without good cause attributable to the employer. Benefits are withheld until she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount provided she is otherwise eligible.

bas/pjs