

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBBIE G SCHROEDER
Claimant

APPEAL NO. 09A-UI-04831-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NISSEN INC
Employer

**Original Claim: 02/22/09
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 17, 2009, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 22, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer. Exhibit A was admitted into evidence at the hearing.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked as a Dairy Queen restaurant worker for the employer from January 2005 to February 13, 2009. She quit with one-week's notice to her supervisor, Kyle Erne, due to intolerable working conditions that included harassment by employees of other stores in the mall. The claimant had complained about how these employees treated Dairy Queen employees but nothing was done by management. She also quit because she was expected to go to the bank or make deliveries while she was off the clock. She also quit because the employer did not take effective actions to rid the restaurant of cockroaches, despite her complaint and suggestions.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without 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 evidence shows the claimant quit for intolerable working conditions and that she complained to management about the conditions but nothing was done to resolve her complaints. Good cause attributable to the employer has been shown in this case.

DECISION:

The unemployment insurance decision dated March 17, 2009, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw