

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Guardado began working through Cambridge Tempositions, Inc. in 2000. On May 9, 2005, he accepted a long-term assignment with Engineering Building Design. He worked full time as a carpenter.

On July 21, Mr. Guardado was instructed by his supervisor to clean toilets. When he balked at having to clean toilets, the supervisor said that was the only work Mexicans were good for. He told Mr. Guardado that he had forgotten who was in charge and that, if he did not clean the toilets, he was fired. On July 22, Mr. Guardado went to the offices of Cambridge Tempositions, Inc. and spoke to Anna. He told her what had occurred the prior day and she indicated she would look into the matter. When Mr. Guardado re-contacted the employer on July 29, he was told that the supervisor had received a written warning for his conduct. He was asked if he wanted to return to the assignment and he declined, stating that he would not feel comfortable working there again. In speaking with others at the job site, the employer learned that the supervisor had made comments that Mr. Guardado may have misinterpreted.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Guardado was separated from employment for any disqualifying reason. He failed to complete his last assignment and, therefore, the separation is considered a voluntary quit. He was offered the opportunity to return to the assignment but declined. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Guardado did not return to the assignment with Engineering Building Design because of a racially derogatory statement made by his supervisor. It is true that the supervisor had been reprimanded for his statement to Mr. Guardado. It was not unreasonable, however, for Mr. Guardado to decline to continue to work with an individual who had such a low opinion of Hispanics. According to what the employer learned, there had been occasions on which the supervisor had made statements that could have been misconstrued by Mr. Guardado. If the supervisor was making statements that could be construed as racially derogatory or offensive, it would create a hostile working environment. As such, Mr. Guardado had good cause for not returning to the assignment. Therefore, his quit was for good cause attributable to the employment.

DECISION:

The representative's decision dated September 22, 2005, reference 02, is hereby affirmed. Mr. Guardado was separated from employment with Cambridge Tempositions, Inc. for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility.

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