

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

KRISTYL L FLEMING
Claimant

APPEAL NO: 18A-UI-09277-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ENTECEE INC MST
Employer

OC: 07/22/18
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 30, 2018, reference 03, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on September 25, 2018. The claimant participated in the hearing. Kyle Golvinghorst, Recruiter and Thomas Kuiper, Employer Representative, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time machine operator for Entegee, Inc. Mst. last assigned to Le Claire Manufacturing from February 5, 2018 to February 15, 2018. She voluntarily quit because she was dissatisfied with her trainer.

On February 7, 2018, the claimant's trainer, "Tom," gave her the wrong paperwork for a job which caused the claimant to clock in incorrectly. Tom then told their supervisor the claimant ran the wrong router for the parts. The situation was remedied and did not affect the claimant's pay.

On February 8, 2018, Tom asked the claimant if she liked jokes and then proceeded to begin to tell her a racist joke. She stopped him before he could finish and then she reported the incident to human resources at Le Claire Manufacturing. Human resources said it would talk to Tom and take care of the matter.

The claimant did not return to the assignment February 9, 12, 13, 14 or 15, 2018. On February 15, 2018, she went to the employer and expressed her concerns about Tom. She asked if she could be moved to another department or another shift and the employer stated it

would check with the client and find out but the client stated it could not accommodate the claimant's request. The claimant chose not to return to Le Claire Manufacturing.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

Iowa Admin. Code r. 871-24.26(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.

Quits due to intolerable or detrimental working conditions are deemed to be for good cause attributable to the employer. See 871 IAC 24.26(4). The test is whether a reasonable person would have quit under the circumstances. See *Aalbers v. Iowa Department of Job Service*, 431 N.W.2d 330 (Iowa 1988) and *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (1993). Aside from quits based on medical reasons, prior notification of the employer before a resignation for intolerable or detrimental working conditions is not required. See *Hy-Vee v. EAB*, 710 N.W.2d (Iowa 2005).

When an employee quits work because she is dissatisfied with the work environment, has a personality conflict with her supervisor or after having been reprimanded, her leaving is without good cause attributable to the employer. The claimant's actions indicate she had a conflict with her trainer. While his actions were inappropriate and unprofessional, the client employer rectified the timecard situation and stated it would address the racist joke the trainer started to tell the claimant but the claimant left and did not return after reporting the incident. Additionally, she was a no-call/no-show for one week before telling the employer about the working environment at Le Claire Manufacturing.

Although the claimant was dissatisfied with the work environment and had a personality conflict with her trainer, she has not demonstrated that the work environment was unlawful, intolerable or detrimental as those terms are defined by Iowa law. Under these circumstances, the administrative law judge must conclude the claimant has not proven her leaving was for good cause attributable to the employer. Therefore, benefits must be denied.

DECISION:

The representative's decision dated August 30, 2018, reference 03, is affirmed. The claimant voluntarily quit without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn