

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NATHERDIE L HOWARD
Claimant

APPEAL NO. 11A-UI-15421-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BLUE CUBE LLC
Employer

OC: 10/23/11
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated November 11, 2011, reference 01, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on December 29, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Dale Howard. Carolyn Meyer participated in the hearing on behalf of the employer with witnesses, Jason Meyer, Shawn Mashek, Sara Thornton, and Ronita Hansen. Exhibits A and One were 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 full time for the employer as a quality control worker from October 13, 2009, to August 31, 2011. During the last five months, the employer promoted the claimant to the position of quality control lead. Carolyn and Jason Meyer are the owners of the business. The employer makes flat screen LCD panels.

One of the claimant's assigned job duties was to take photographs of the panels, including the serial numbers, before the panels were shipped out to show the panels were working when they were shipped. The photos were to be downloaded to a computer. After the claimant took the pictures, she gave the camera to the production manager, Shawn Mashek, who volunteered to download the pictures to the proper folder on the server. She did not know the details of what Mashek did to download the pictures.

On August 31, 2011, Meyer approached the claimant in the morning about a complaint from a customer that they had received non-working panels. When Meyer checked the pictures, they were blurry and you could not make out the serial numbers. Meyer blamed the claimant for the employer not having proof that the panels were working when they were shipped. Meyer told the claimant that she would have to step down or quit her job.

Later that day, Carolyn and Jason Meyer and Mashek approached the claimant. Carolyn Meyer again angrily blamed the claimant for the loss on the panel order. Meyer repeatedly asked the claimant if she knew how to “access the server” to check the quality of the pictures. The claimant, believing that the server was the computer in Mashek’s office where he had downloaded the pictures, truthfully said no. Meyer then asked the claimant if Mashek has shown her how to access the server. Again the claimant truthfully said no.

There was a shortcut icon on the claimant’s computer for the Blue Cube server and the claimant was aware of the icon and used it for other purposes, but she did not know this was how to access and review the pictures Mashek downloaded and was never specifically told how to review the pictures by anyone. Meyer asked Mashek if he had shown her how to access the server. Mashek said he had because he had shown her how to use the shortcut to access the server for other work. The claimant was later taken to her computer, and in a very condescending way Meyer walked her through the steps of clicking the icon and navigating to the pictures folder on the network drive.

Meyer then became angry, raised her voice, and accused the claimant of lying about not being shown how to access the server to review the pictures. She told the claimant that she could not have someone in a supervisory position that would lie like this and not take responsibility for her actions. Meyer said that the claimant would no longer be a quality control lead and the technician under the claimant who the claimant had trained would now be the quality control lead.

The claimant decided to quit her employment because of Meyer’s disrespectful and hostile treatment of her, Meyer’s accusations that she was lying, Meyer’s demoting her from her lead position, and prior problems with paychecks bouncing and dissatisfaction with the work environment.

The claimant filed for and received a total of \$209.00 in unemployment insurance benefits for the weeks between October 23 and November 5, 2011, and then stopped filing claims.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

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 findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. I believe the claimant’s testimony that Meyer was confrontational, raised her voice in speaking to the claimant, told her that she would need to step down or quit, demoted her, and accused her of lying about not knowing how to access the server to review pictures. I conclude this created intolerable and detrimental working conditions, and she had good cause attributable to the employer to quit her employment.

DECISION:

The unemployment insurance decision dated November 11, 2011, reference 01, is affirmed. 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/css