

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RANDI K PARKER

Claimant

APPEAL 19A-UI-07008-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA

Employer

OC: 08/04/19

Claimant: Appellant (2)

Iowa Code § 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Randi Parker (claimant) appealed a representative's August 23, 2019 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she voluntarily quit work with Wells Fargo Bank (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 26, 2019. The claimant was represented by Devin Kelly, Attorney at Law, and participated personally. The employer provided a telephone number for the hearing. The administrative law judge spoke to the representative who indicated the employer did not wish to participate in the hearing.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

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 September 15, 2013, as a full-time loan verification analyst. She signed for receipt of the employer's handbook annually. The employer issued the claimant one verbal warning in 2015 or 2016. The supervisor told the claimant to take a team picture. Later, the supervisor issued her a warning for taking the picture in violation of company policy. The claimant complained to her supervisor and to the supervisor's manager but management supported each other around the policy. The warning remained on file.

As part of the claimant's job, she was required to attest to statements with no proof of the truthfulness of those statements. Management did not provide instructions or procedures for her to perform that function. She spoke with the human resources department in April 2018, about the situation and a problem with time card falsification of some management employees. As a result of the three- month investigation, there were no new procedures and the claimant was treated with anger by her managers.

In August 2018, the claimant went to human resources again to complain about the lack of procedures in her department and the manager's treatment of her. The employer isolated the

claimant's desk, greeted her with anger and would not answer her questions. The employer investigated and found no wrong doing on the part of management.

In February 2019, the claimant complained to two men who were much higher in the company. After she complained, the claimant's supervisor told the claimant, "Nobody's been written up yet". The claimant took the comment as a threat. The treatment continued and no procedures were provided to the claimant. Some management was terminated or moved out of the claimant's area.

The claimant's ex-husband was killed in a motorcycle accident and she saved her son from a drug overdose. The claimant took short-term disability from June 3 to August 4, 2019. While at home on leave, her supervisor telephoned her to talk about work-related issues. In her response to the supervisor, she used the word, "fuck".

On August 5, 2019, the claimant returned to work. On August 6, 2019, the supervisor issued the claimant a reprimand for using the word "fuck" while on short-term disability and for disrupting the workplace on an unknown date. The claimant knew the disruption never happened. She thought the reprimand was given to her in retaliation for her complaints. She told her supervisor she was quitting and left the building.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer.

Iowa Code section 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.

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). The Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. *Hy-vee, Inc. v. Employment Appeal Board and Diyonda L. Avant*, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer of her intolerable work conditions. The employer did not find a remedy for the conditions and the supervisor retaliated against her for her complaints. The claimant subsequently quit due to her working conditions. The claimant is eligible to receive unemployment insurance benefits, provided she meets all the qualifications.

DECISION:

The representative's August 23, 2019, decision (reference 01) is reversed. The claimant voluntarily quit with good cause attributable to the employer. Benefits are allowed, provided claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs