

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JARED S CRAMPTON
Claimant

APPEAL NO. 11A-UI-16211-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FOCUS SERVICES LLC
Employer

**OC: 05/01/11
Claimant: Respondent (3)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Focus Services LLC filed a timely appeal from a representative's decision dated December 15, 2011, reference 06, which held the claimant eligible to receive unemployment insurance benefits, finding the claimant was still employed part-time or on-call and available for work. The employer disagreed, indicating there had been a separation from employment. After a waiver of notice by both parties, a telephone hearing was conducted on January 23, 2012. The claimant participated. The employer participated by Mr. Chris Hislop, director of human resources.

ISSUE:

At issue is whether the claimant quit employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Jared Crampton was employed by Focus Services LLC from July 11, 2011, until January 3, 2012, when he voluntarily quit employment. Mr. Crampton was assigned to work for Century Link, a client company of Focus Services LLC. Mr. Crampton worked as a sales representative and was paid by the hour.

Mr. Crampton left his employment with Focus Services LLC based upon what he considered to be ongoing harassment from his supervisor at the Century Link location. Although Mr. Crampton had complained to management at Focus Services LLC and at Century Link, the claimant's immediate supervisor at the Century Link location continued to engage in touching the claimant and making inappropriate statements of a sexual nature. Although Focus Services had Mr. Crampton transferred to a different work shift at Century Link, the work shift overlapped with the hours of the supervisor who had been harassing Mr. Crampton and the harassment continued. When no changes were forthcoming, Mr. Crampton quit his employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left employment with 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 claimant has the burden of proving that his voluntary leaving was for good cause attributable to the employer. See Iowa Code section 96.6-2. An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. See Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993). Claimants are not required to give notice of intention to quit due to intolerable, detrimental, or unsafe work environments if the employer had or should have had reasonable knowledge of the condition. See Hy-Vee, Inc. v. Employment Appeal Board, 710 N.W.2d 1 (Iowa 2005).

In the matter at hand, the evidence establishes that Mr. Crampton had gone on numerous occasions to both supervisors at Focus Services LLC and management at Century Link to complain about the ongoing conduct of a Century Link supervisor who the claimant reasonably believed was sexually harassing him. Although the claimant was moved to a different work shift, the work shift overlapped with that of the offending supervisor and the harassment continued. Mr. Crampton left his employment when he believed that he had no other reasonable alternative. Good cause for quitting attributable to the employer has been shown. Benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

DECISION:

The representative's decision dated December 15, 2011, reference 06, is affirmed as modified. The claimant is eligible to receive unemployment insurance benefits. The claimant voluntarily quit employment with good cause attributable to the employer. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw