

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HELEN PELLMAN
Claimant

APPEAL NO: 12A-UI-00129-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

KINSETH HOTEL CORPORATION
Employer

OC: 12-04-11
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 30, 2011, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on February 2, 2012. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left her employment with 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 part-time housekeeper for Kinseth Hotel Corporation from June 10, 2010 to November 13, 2011. The claimant completed her assigned work around 3:30 or 4:00 p.m. November 12, 2011, one and one-half to two hours later than usual due to the number of guests in the hotel. She looked for Executive Housekeeper Norma Weatherman so she could report to her before leaving for the day but could not find her. She looked around the hotel for Ms. Weatherman and asked other housekeepers if they knew where she was but she could not locate Ms. Weatherman. She then waited for Ms. Weatherman for 15 or 30 minutes before leaving because her son was coming to visit her from Des Moines and he was supposed to arrive in 30 to 45 minutes and did not have a key. She reported for work the following morning and passed Ms. Weatherman's office on her way in. Ms. Weatherman looked at the claimant but did not say anything to her at that time. The claimant clocked in and returned to Ms. Weatherman's office with the other eight to ten housekeepers for their work assignments. Ms. Weatherman asked the claimant where she was the day before and the claimant explained she had looked all over for Ms. Weatherman but could not find her. The claimant also stated she asked other housekeepers if they knew where Ms. Weatherman was and they did not know either. Ms. Weatherman told the claimant she should have stayed and waited for her to return and the claimant said she had waited for 15 to 30 minutes but had to leave because her son was coming to visit. Ms. Weatherman was yelling at the claimant in front of all the other

employees and stated she should have given her notice that her son was coming. The claimant was crying because she was embarrassed about being reprimanded by Ms. Weatherman in front of all of her co-workers and set her clipboard on Ms. Weatherman's desk and said, "I've had enough" and left the building, quitting her employment. Another housekeeper told the claimant earlier in the day that she told Ms. Weatherman the claimant was looking for her before she left November 12, 2011, and Ms. Weatherman had stated that was fine. During the last month of the claimant's employment Ms. Weatherman yelled at her in front of other employees, as well as guests, on several occasions to the point the claimant was in tears. The claimant loved her job and performed her duties to the best of her ability.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

Iowa Code § 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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6-2.

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).

The claimant did not want to quit her job but felt she could no longer tolerate her treatment by Ms. Weatherman. The last incident and final straw occurred when Ms. Weatherman reprimanded her in front of all of her co-workers November 13, 2011, which resulted in the claimant laying down her clipboard on Ms. Weatherman's desk and stating she had "had enough" before leaving in tears. Yelling at an employee and reprimanding her in front of her co-workers is inappropriate and unprofessional at any time as reprimands should be given privately, but instead were done in front of other employees and guests in this case. Additionally, Ms. Weatherman had the opportunity to speak to the claimant privately November 13, 2011, when the claimant passed her office on the way to the time clock. Ms. Weatherman's treatment of the claimant over the last month of her employment was detrimental to the claimant and consequently the claimant has established that her leaving was for good cause attributable to the employer. Therefore, benefits are allowed.

DECISION:

The December 30, 2011, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs