

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**CYNTHIA M WENDT**  
Claimant

**APPEAL 19A-UI-06823-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**NISHNA HILLS DEVELOPMENT CORP**  
Employer

**OC: 08/04/19**  
**Claimant: Appellant (2)**

---

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On August 26, 2019, the claimant filed an appeal from the August 21, 2019, (reference 01) unemployment insurance decision that denied benefits based on a separation from employment. The parties were properly notified about the hearing. A telephone hearing was held on September 20, 2019. Claimant participated personally and through witness Deb Van Cleve. Employer participated through president of the board of the directors Dave Woehlleber and board member Rod Christensen.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in 2014. Claimant last worked as a full-time manager. Claimant was separated from employment on July 19, 2019, when she resigned.

As a manager, claimant reported to the board of directors.

Board member Troy Hepler often made inappropriate and abusive comments toward claimant in front of customers and other board members.

In approximately May 2019, Hepler instructed claimant to confront a golfer who had not paid his dues. Claimant stated it was not her place. Hepler called claimant a “fucking pussy.” Customers were present and claimant felt mortified.

On July 18, 2019, Hepler sat at the bar and complained about personnel issues involving claimant. Hepler complained that claimant did not want to work during RAGBRAI and stated claimant never wanted to work. Claimant was not present. Other board members were present and did not tell Hepler to stop. Customers were also present. Bartender Deb Van Cleve called claimant and reported to her what happened.

On July 19, 2019, claimant resigned.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant voluntarily left the employment 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.

In this case, claimant resigned due to intolerable working conditions. No reasonable person would remain employed for a business where the supervisor discussed personnel issues in front of customers and other employees. No reasonable person should be expected to remain employed in a place where their supervisor calls them a "fucking pussy," let alone in front of customers. Employer's position that this is a bar atmosphere and these type of things are said all the time is not well taken. Employment laws still apply at the bar.

Claimant established she resigned for a good cause reason attributable to employer.

**DECISION:**

The August 21, 2019, (reference 01) unemployment insurance decision is reversed. Claimant voluntarily left the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible and the benefits withheld shall be paid.

---

Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

---

Decision Dated and Mailed

cal/rvs