

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

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c/o TALX UCM SERVICES INC
PO BOX 00283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-00096-MT
OC: 11/30/03 R: 01
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated December 23, 2003, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on January 29, 2004. Claimant participated with witness Pat Culver. Employer participated by David Williams, Hearings Representative Talx; Aaron Garms, Manager of Store Operations; Troy Price, Night Stock Manager; Todd Tetmeyer, Store Director; and Pat Howorth, Retail Human Resource Coordinator.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on November 25, 2003. Claimant was yelled at and sworn at by a manager during the performance of her duties. Claimant could not tolerate the profanity and walked off the job. Prior incidents had occurred with lesser severity. Claimant did not protest these prior incidents because they were not that bad. The last incident was very disturbing to claimant and detrimental to her health and well-being. Claimant broke into tears and walked off the job after incurring the brunt of her supervisor's profanity.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant quit for good cause attributable to employer. The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because the work environment was detrimental to claimant's health and well being. Being subjected to intense profanity in a manner that puts one into tears is a detrimental work environment. There is no necessity to put up with this conduct while making complaints to management. This is good cause attributable to employer for a quit. Benefits allowed.

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.

DECISION:

The decision of the representative dated December 23, 2003, reference 01, is affirmed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

mdm\kjf