

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GARY A LINDENBERG

Claimant

APPEAL NO: 10A-UI-14197-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HILLCREST FAMILY SERVICES

Employer

OC: 09/05/10

Claimant: Respondent (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Hillcrest Family Services (employer) appealed a representative's October 6, 2010 decision (reference 01) that concluded Gary A. Lindenberg (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 1, 2010. The claimant participated in the hearing. Shannon Hagensten appeared on the employer's behalf. This appeal was consolidated for hearing with one related appeal, 10A-UI-14198-DT. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on March 11, 2008. He worked part time (about 15 hours per week) as a peer support specialist in the employer's social services agency providing assistance to persons with mental illness. His last day of work was September 1, 2010. He went in on September 7 and resigned. His reason for leaving was an incident that had occurred on September 1.

The claimant had been in to the facility on September 1 for some training, and while there determined to take a look at the activity schedule for September. An intern and another employee argued with the claimant, telling him the schedule was none of his business, and the intern physically barred the claimant's way to get into the peer support office, getting in his face and yelling at him, causing him to feel physically threatened. This went on for about 45 minutes, with the claimant sitting down and waiting for the two persons to calm down before reattempting to enter the office, and the two persons then reasserting their arguments and physical blockade of the claimant. Finally the intern and the other employee had to leave the area for other obligations, and the claimant entered the office.

The lead peer support person had been in the office and had heard some of the disruption, but had not come out to investigate or intervene. When the claimant came into the office, he was very upset, as his own medical condition, known to the employer, was such that being faced with such conflict causes significant trauma. The lead peer support person did spend a half-hour calming the claimant down, but as he left, he indicated that he did not know if he could continue working there particularly due to the aggressive conflict with the intern, who had caused conflict with the claimant in the past. After discussing the matter with various support persons, the claimant did decide to quit, and so came in and informed the lead peer support person and turned in his keys and identification on September 7. He also confirmed with his doctor that quitting at that time was the best option for him under the circumstances.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, he is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. "Good cause attributable to the employer" does not require fault, negligence, wrongdoing or bad faith by the employer, but may be attributable to the employment itself. Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988); Raffety v. Iowa Employment Security Commission, 76 N.W.2d 787 (Iowa 1956).

Intolerable or detrimental working conditions are good cause for quitting attributable to the employer. 871 IAC 24.26(4). The claimant has demonstrated that a reasonable person in his situation would find the employer's work environment detrimental or intolerable. O'Brien v. EAB, 494 N.W.2d 660 (Iowa 1993); Uniweld Products v. Industrial Relations Commission, 277 So.2d 827 (FL App. 1973). Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's October 6, 2010 decision (reference 01) is affirmed. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css