

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELLEN M BRUETT

Claimant

APPEAL NO. 07A-UI-04812-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PAMIDA STORE OPERATING COMPANY

Employer

**OC: 04/15/07 R: 02
Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Pamida Store Operating Company (employer) appealed a representative's May 3, 2007 decision (reference 01) that concluded Ellen Bruett (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 30, 2007. The claimant participated personally. The employer participated by Steve Lucas, Store Team Leader, and Karen Powell, Operations Team Leader. The claimant offered one exhibit which was marked for identification as Exhibit A. Exhibit A was received into evidence.

ISSUE:

Whether the claimant voluntarily quit work without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on May 14, 2001, as a full-time office specialist. The claimant worked in an environment in which her coworkers and superiors made fun of her age, her name and her need for a stool due to a medical condition. The operations team leader frequently yelled at the claimant and her coworkers in a demeaning manner. The claimant complained to the store team leader but the yelling did not stop.

On April 12, 2007, the claimant worked in a dusty storeroom for many hours without a break at the direction of the operations team leader. The claimant finally sat down for a break at 3:30 p.m. The operations team leader yelled at the claimant to continue working and about a box the claimant planned to use. Another superior laughed at the claimant after the operations team leader left. On April 13, 2007, the claimant did not appear for work because she felt sick. The claimant's husband notified the employer that his wife was quitting due to harassment.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant voluntarily quit work 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 law presumes a claimant has left employment with good cause when she quits because of intolerable or detrimental working conditions. 871 IAC 24.26(4). The Iowa Supreme Court has stated that a notice of intent to quit is not required when the employee quits due to intolerable or detrimental working conditions. Hy-Vee, Inc. v. Employment Appeal Board and Diyonda L. Avant, (No. 86/04-0762) (Iowa Sup. Ct. November 18, 2005). The claimant notified the employer of the intolerable and detrimental conditions. The conditions continued. The claimant subsequently quit due to those conditions. The claimant is eligible to receive unemployment insurance benefits.

DECISION:

The representative's May 3, 2007 decision (reference 01) is affirmed. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css