

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAYMIE C QUIGLEY
Claimant

APPEAL NO. 11A-UI-01405-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WENDY'S
Employer

**OC: 11/14/10
Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated January 27, 2011, reference 01, that concluded she voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on March 24, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness, Alyssia Mireles. Fred Klinge participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer from August 4, 2009, to August 13, 2010. She started as crewperson and then was promoted to assistant manager. Fred Klinge was her supervisor.

The claimant quit employment on August 13, 2010, due to a pattern of conduct by Klinge that included directing insulting language toward her—including calling her a bitch, telling her that he did not want a bitch session, and suggesting that she was acting bipolar. The claimant had complained about this to management but the treatment conditioned. On the last day, the claimant and Klinge were engaged in a heated argument during which Klinge told her that she didn't need to be such a bitch. The claimant considered working conditions intolerable and left work.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

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.

I conclude Klinge's treatment of the claimant created an intolerable working condition. The claimant had complained about the treatment, but it continued, including on the day she quit. Good cause for quitting attributable to the employer has been established.

DECISION:

The unemployment insurance decision dated January 27, 2011, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs