

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICK J TERAMOTO MORELAND
Claimant

APPEAL NO. 13A-UI-09207-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORTH STAR COMMUNITY SERVICES INC
Employer

OC: 07/07/13
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 31, 2013, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 16, 2013. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

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 July 11, 2013. Claimant voluntarily resigned July 17, 2013 because he was harassed by coworkers. Claimant was hospitalized for a bipolar episode. Employees constantly told claimant that they were scared of him. Coworkers repeatedly asked claimant if he owned any guns and knew how to use them. Claimant's condition has never expressed itself in a violent manner. Claimant has no criminal record. Claimant informed employer of the harassment. Employer did not take any remedial action to resolve the problems.

REASONING AND CONCLUSIONS OF LAW:

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 of harassment by coworkers. Claimant gave notice to the employer of the harassment. Employer's refusal to take prompt remedial action makes this a quit for good cause attributable to employer. 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.

871 IAC 24.26(2), (3) and (4) provide:

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:

- (2) The claimant left due to unsafe working conditions.
- (3) The claimant left due to unlawful working conditions.
- (4) The claimant left due to intolerable or detrimental working conditions.

DECISION:

The decision of the representative dated July 31, 2013, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css